

# Michigan Register

Issue No. 20– 2007 (Published November 15, 2007)



## GRAPHIC IMAGES IN THE MICHIGAN REGISTER

### COVER DRAWING

#### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

### PAGE GRAPHICS

#### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

#### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 20— 2007

(This issue, published November 15, 2007, contains  
documents filed from October 15, 2007 to November 1, 2007)

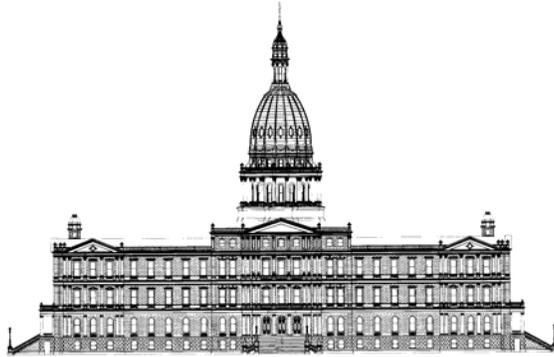
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**Peter Plummer**, Executive Director, State Office of Administrative Hearings and Rules; **Deidre O'Berry**, Administrative Rules Analyst for Operations and Publications.

**Jennifer M. Granholm, Governor**



**John D. Cherry Jr., Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The State Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
  - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
  - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
  - (d) Proposed administrative rules.
  - (e) Notices of public hearings on proposed administrative rules.
  - (f) Administrative rules filed with the secretary of state.
  - (g) Emergency rules filed with the secretary of state.
  - (h) Notice of proposed and adopted agency guidelines.
  - (i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.
  - (j) Attorney general opinions.
  - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The State Office of Administrative Hearings and Rules shall publish a cumulative index for the Michigan register.
  - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
  - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the State Office of Administrative Hearings and Rules may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
  - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the State Office of Administrative Hearings and Rules. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the State Office of Administrative Hearings and Rules not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the State Office of Administrative Hearings and Rules shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after it is made available to the State Office of Administrative Hearings and Rules.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The State Office of Administrative Hearings and Rules shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

#### **CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

#### **CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the State Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The State Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933.

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the State Office of Administrative Hearings and Rules (517) 335-2484.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the State Office of Administrative Hearings and Rules: [www.michigan.gov/cis/0,1607,7-154-10576\\_35738---,00.html](http://www.michigan.gov/cis/0,1607,7-154-10576_35738---,00.html)

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the State Office of Administrative Hearings and Rules Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Peter Plummer, Executive Director  
State Office of Administrative Hearings and Rules

## 2007 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2007	February 1, 2007
2	February 1, 2007	February 15, 2007
3	February 15, 2007	March 1, 2007
4	March 1, 2007	March 15, 2007
5	March 15, 2007	April 1, 2007
6	April 1, 2007	April 15, 2007
7	April 15, 2007	May 1, 2007
8	May 1, 2007	May 15, 2007
9	May 15, 2007	June 1, 2007
10	June 1, 2007	June 15, 2007
11	June 15, 2007	July 1, 2007
12	July 1, 2007	July 15, 2007
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15	August 15, 2007	September 1, 2007
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18	October 1, 2007	October 15, 2007
19	October 15, 2007	November 1, 2007
20	November 1, 2007	November 15, 2007
21	November 15, 2007	December 1, 2007
22	December 1, 2007	December 15, 2007
23	December 15, 2007	January 1, 2008
24	January 1, 2008	January 15, 2008

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**ADMINISTRATIVE RULES  
FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(f) Administrative rules filed with the secretary of state.”*

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**ADMINISTRATIVE RULES**

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SOAHR 2005-059

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH POLICY, PLANNING AND ACCESS  
EMS AND TRAUMA SERVICES SECTION  
STATEWIDE TRAUMA SYSTEM

Filed with the Secretary of State on October 30, 2007

These rules take effect immediately after filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of community health by section 9227 and 20910 of 1978 PA 368, 2004 PA 580, 2004 PA 581, 2004 PA 582, and Executive Reorganization Order No. 1996-1, being MCL 333.9227, 333.20910, 333.1101 to 333.25211, 333.20910, 333.20908 and 330.3101)

R 325.125, R 325.126, R 325.127, R 325.128, R 325.129, R 325.130, R 325.131, R 325.132, R 325.133, R 325.134, R 325.135, R 325.136, R 325.137, and R 325.138 are added to the Michigan Administrative Code as follows:

**PART 1. GENERAL PROVISIONS**

R 325.125 Definitions; A to D.

Rule 1. As used in these parts:

(a) “2004 Michigan Trauma Systems Plan” means the same as the document entitled “Michigan Trauma Systems Plan” prepared by the Michigan trauma coalition, dated November 2003.

(b) “Accountable” means ensuring compliance on the part of each healthcare facility, trauma facility, life support agency, and emergency medical services personnel in carrying out emergency medical services based upon protocols established by the medical control authority and approved by the department.

(c) “ACLS course” means an advanced cardiac life support course targeted for pre-healthcare facility and healthcare facility personnel who are credentialed in advanced cardiac life support.

(d) “ACS” means the American college of surgeons.

(e) “Adult trauma patient” means an individual that is, or reasonably appears to be, 15 years of age or older.

(f) “ATLS course” means an advanced trauma life support course targeted for physicians with an emphasis on the first hour of initial assessment and primary management of an injured patient, starting at the point in time of injury continuing through initial assessment, life-saving intervention, reevaluation, stabilization, and transfer when appropriate.

(g) “Administrative hearing” means a hearing conducted pursuant to the administrative procedures act, 1969 PA 306.

(h) “Board certified in emergency medicine” means current certification by the American board of emergency medicine, the American board of osteopathic emergency medicine, or other agency approved by the department that meets the standards of these organizations.

(i) “Code” means 1978 PA 368, MCL 333.1101 and known as the Michigan public health code.

(j) “Department” means the Michigan department of community health, or its duly appointed successor.

(k) “Direct communication” means a method of communication that ensures medical control authority supervision of a life support agency when performing emergency medical services through any of the following methods:

(i) Direct interpersonal communications at the scene of the emergency.

(ii) Direct verbal communication by means of an approved 2-way telecommunications system operating within the medcom requirements.

(iii) Protocols adopted by the medical control authority (MCA) and approved by the department.

(iv) Other means submitted by the MCA and approved by the department that are not in conflict with the medcom requirements.

(l) “Disciplinary action” means an action taken by the department against a medical control authority, a life support agency, healthcare facility, or individual, or an action taken by a medical control authority against a life support agency or licensed individual for failure to comply with the code, rules, or protocols approved by the department. Action may include suspension, limitation, or removal of medical control from a life support agency of a medical control authority providing medical control, from an individual providing emergency medical services care, or any other action authorized by the code.

#### R 325.126 Definitions; E to O.

Rule 2. (a) “Emergency medical services intercept” means a situation where a life support agency is transporting an emergency patient from the scene of an emergency and requests patient care intervention from another life support agency for a higher level of care.

(b) “Emergency medical services telecommunications” means the reception and transmission of voice and/or data information in the emergency medical services system consistent with the medcom requirements prescribed by the department.

(c) “Fixed wing aircraft” means a non-rotary aircraft transport vehicle that is primarily used or available to provide patient transportation between health care facilities and is capable of providing patient care according to orders issued by a patient’s physician.

“Ground ambulance” means a vehicle that complies with design and structural specifications, as defined in R 325.22101 to R 325.22217, and is licensed as an ambulance to provide transportation and basic life support, limited advanced life support, or advanced life support.

(e) “Healthcare facility” means a healthcare facility licensed under MCL 333.20801 and 333.21501 that operates a service for treating emergency patients, 24 hours a day, 7 days a week.

(f) “Hold itself out” means the agency, healthcare facility, or trauma facility advertises, announces, or charges specifically for providing emergency medical services as defined in the code.

(g) “Inter-facility trauma transfer” means identifying the group of trauma patients that require additional trauma resources with the goal of providing optimal care to these patients by the timely transfer of that patient to an appropriate level of care to optimize outcome.

(h) “License” means written authorization issued by the department to a life support agency and its life support vehicles to provide emergency medical services as defined in the code.

(i) “License expiration date” means the date of expiration indicated on the license issued by the department.

(j) “Licensure action” means denial, probation, suspension, limitation, or revocation by the department of a license for a life support agency, a life support vehicle, or a trauma facility for violations of the code.

(k) “Life support vehicle” means an ambulance, a non-transport pre-hospital life support vehicle, or a medical first response vehicle, as defined in the code.

(l) “Medcom requirements” means medical communication requirements for an emergency medical services communication system.

(m) “Medical control” means the supervision and coordination of emergency medical services through a medical control authority, as prescribed, adopted, and enforced through department-approved protocols, within an emergency medical services system.

(n) “Medical control authority” (MCA) means an organization designated by the department to provide medical control, as defined in the code.

(o) “Medical control authority board” means a board appointed by the participating organizations to carry out the responsibilities and functions of the medical control authority.

(p) “Medical control authority region” means the geographic area comprised of a county, group of counties, or parts of an individual county, as designated by the department.

(q) “Non-designated” healthcare facility means a healthcare facility that either has chosen not to be a part of Michigan’s trauma care system, or a healthcare facility that the department has not designated as a level I regional trauma research facility, level II regional trauma facility, level III community trauma facility, or level IV trauma support facility.

#### R 325.127 Definitions; P to T.

Rule 3. As used in this part:

(a) “Pediatric trauma facility” means a facility that has obtained an additional level of verification as a trauma facility, as provided by the American college of surgeons, as well as those requirements to be designated as a trauma facility in Michigan, as set forth in R 325.127 to R 325.138.

(b) “Pediatric trauma patient” means an injured individual that is, or reasonably appears to be, 14 years of age or under.

(c) “Physician” means a doctor of medicine (MD) or a doctor of osteopathy (DO) who possesses a valid current license to practice medicine in the state of Michigan.

(d) “Protocol” means a patient care standard, standing orders, policy, or procedure for providing emergency medical services that is established by a medical control authority and approved by the department under MCL 333.20919.

(e) “Professional standards review organization” means a committee established by a life support agency or a medical control authority for the purpose of improving the quality of medical care, as provided in MCL 331.531 to 331.533.

(f) “Quality improvement program” means actions taken by a life support agency, medical control authority, trauma facility, or jointly between a life support agency, medical control authority, or trauma facility with a goal of continuous improvement of medical care in accordance with the code. Actions shall take place under a professional standards review organization, as provided in MCL 331.531 to 331.533.

(g) “Regional Professional Standards Review Organization” means a committee established by the regional trauma network for the purpose of improving the quality of trauma care within a recognized trauma region as provided in MCL 331.531 to 331.533.

(h) “Regional trauma advisory council (RTAC)” means a committee established by a regional trauma network and comprised of MCA personnel, EMS personnel, life support agency representatives, healthcare facility representatives, physicians, nurses, and consumers. The functions of the RTAC are to provide leadership and direction in matters related to trauma systems development in their region, and

monitor the performance of the trauma agencies and healthcare facilities within the region, including, but not limited to, the review of trauma deaths and preventable complications.

(i) “Regional trauma network” means an organized group comprised of the local MCA’s within a region, which integrates into existing regional emergency preparedness, and is responsible for appointing a regional trauma advisory council and creating a regional trauma plan.

(j) “Regional trauma plan” means a written plan prepared by a regional trauma advisory council, and approved by the regional trauma network, that is based on minimum criteria established by the department, and addresses each of the following trauma system components: leadership; public information & prevention; human resources; communications; medical direction; triage; transport; trauma care facilities; inter-facility transfers; rehabilitation; and evaluation of patient care within the system.

(k) “Rotary aircraft” means a helicopter that is licensed under the code as an ambulance.

(l) “Service area” means a geographic area in which a life support agency is licensed to provide emergency medical services for responding to an emergency.

(m) “Statewide Trauma Care Advisory Subcommittee (STAC)” as used in these rules means the statewide trauma care advisory subcommittee as defined in MCL 333.20917a, 333.20908, and 333.20910, that acts as the department’s subject matter experts with regard to the clinical and operational components of trauma care.

(n) “Statewide trauma care system” means a comprehensive and integrated arrangement of emergency services personnel, facilities, equipment, services, communications, medical control authorities, and organizations necessary to provide trauma care to all patients within a particular geographic region.

(o) “Statewide trauma registry” means a system for collecting data from trauma facilities and life support agencies for which the department manages and analyzes the data and disseminates results.

(p) “Trauma” means bodily injury caused by the application of external forces.

(q) “Trauma bypass” means to forego delivery of a patient to the nearest healthcare facility for a healthcare facility whose resources are more appropriate to the patient’s injury pursuant to direction given to a pre-hospital emergency medical service by online medical direction or predetermined triage criteria as established by department-approved protocols. However, trauma care still must be provided to patients as necessary pursuant to 42 USC §1395dd or other applicable laws.

(r) “Trauma care system” means a comprehensive and integrated arrangement of emergency services personnel, facilities, equipment, services, communications, medical control authorities, and organizations necessary to provide trauma care to all patients within a particular geographic region.

(s) “Trauma facility” means a healthcare facility designated by the department as having met the criteria set forth in the code as being either a level I regional trauma research facility, level II regional trauma facility, level III community trauma facility, or level IV trauma support facility.

(t) “Trauma response” means a patient who presents as having been bodily injured as a result of the application of external forces and requires the utilization of emergency department resources.

(u) “Trauma team” means a team of multidisciplinary health care providers established and defined by a healthcare facility or emergency care facility that provides trauma care.

(v) “Triage” means classifying patients according to the severity of their medical conditions.

#### R 325.128 Terms.

Rule 4. Terms defined in the code have the same meanings when used in these rules.

#### R 325.129 Powers and duties of the department.

Rule 5. Subject to appropriations, the department, with the advice of the emergency medical services coordinating committee and statewide trauma care advisory subcommittee, contingent upon sufficient funding being appropriated, shall do all of the following:

(a) Implement an “all-inclusive” trauma system throughout the state. This type of system allows for the care of all injured patients in an integrated system of health care in the pre-hospital and healthcare facility environments by personnel that are well trained and equipped to care for injured patients of any severity. The system allows for a healthcare facility to participate in the system to the extent or level that it is willing to commit the resources necessary for the appropriate management of the trauma patients and prohibits the department from limiting the number of health care facilities that seek to qualify for any given level of trauma designation under this system. It also ensures that all trauma patients are served by a system of coordinated care, based on the degree of injury and care required.

(b) Establish a statewide trauma quality improvement process using a statewide database, which is compatible with trauma, emergency departments, and pre-hospital data systems, monitor the statewide trauma system; ensure the coordination and performance of the regional trauma networks; and set minimum standards for system performance and trauma patient care.

(c) Assign a dedicated state EMS/trauma medical director and supporting resources consistent with the criteria in the 2004 Michigan trauma systems plan, pursuant to MCL 333.20910.

(d) Implement and maintain a statewide plan for a trauma system for Michigan, that addresses all of the following:

- (i) State leadership.
- (ii) Public information and prevention.
- (iii) Human resources.
- (iv) Communications.
- (v) Medical direction.
- (vi) Triage.
- (vii) Transport.
- (viii) Trauma care facilities.
- (ix) Inter-healthcare facility transfers.
- (x) Rehabilitation.
- (xi) Evaluation of trauma patient care and the trauma system.

(e) Ensure integration of the trauma and Emergency Medical Systems (EMS), including all pre-hospital and organ procurement organization components.

(f) Develop a statewide process to establish regional trauma networks comprised of local Medical Control Authorities (MCAs) in a manner that integrates into existing regional emergency preparedness, EMS or medical control systems.

(g) Develop a statewide process for the verification of trauma resources.

(h) Develop a statewide process for the designation of trauma facilities.

(i) Develop an appeals process for facilities contesting their designation.

(j) Establish state trauma recommendations and approve regional trauma triage protocols, which are established and adopted by the local medical control authority.

(k) Establish regional trauma networks, consistent with the current emergency preparedness regions, in order to provide system oversight of the trauma care provided in each region of the state. Regional trauma networks shall be comprised of collaborating local medical control authorities (MCAs) in a region. The collaborating MCAs in a region shall apply to the department for approval and recognition as a regional trauma network. The department, with the advice and recommendation of the statewide trauma care advisory subcommittee and emergency medical services coordinating committee shall review the appropriateness of the regional structure every 3 years. The establishment of the regional trauma networks shall not limit the transfer or transport of trauma patients between regional trauma networks.

(l) Implement Tiered Triage Protocols. Major trauma patients requiring the resources of a Level I Regional Trauma Research Facility or Level II Regional Trauma Facility shall be identified by adult and

pediatric field triage criteria established by the regional trauma networks. Protocols, which are established and adopted by local medical control, may be developed based on the standards incorporated by reference in these rules, Resources for Optimal Care Of The Injured Patient 2006; Committee On Trauma American College of Surgeons, available at a cost of \$25.00 from the American College of Surgeons, 633 N. Saint Clair St. Chicago, Illinois 60611-3211, and those contained in R 325.135. A copy is also available at cost from the EMS & Trauma Systems Section, 201 Townsend Street, Lansing, MI 48913. Tables 1 & 2 apply to adult and pediatric triage criteria:

Table I  
Model Adult Trauma Triage Criteria & Methodology

The EMT or paramedic shall assess the condition of those injured persons with anatomical and physiological characteristics of a person 15 years of age or older for the presence of at least 1 of the following criteria to determine whether to transport as a trauma alert. These criteria are to be applied in the order listed, and once any 1 criterion is met that identifies the patient as a trauma alert, no further assessment is required to determine the transport destination.

Criteria:

1. GCS $\leq$  13
2. Meets color-coded triage system (see below)
3. Meets local criteria (specify) \_\_\_\_\_
4. Patient does not meet any of the trauma criteria listed above but, in the judgment of the EMT or paramedic, should be transported as a trauma alert (document) \_\_\_\_\_

Component	▼Blue▼	▼Red▼
Airway	Respiratory rate of 30 or greater	Active airway assistance <sup>1</sup> or RR<10 or flail chest
Circulation	HR of 120 beats per minute or greater	Lack of radial pulse with systolic BP, 90 mmHg
Best Motor Response <sup>2</sup>	BMR = 5	BMR=4 or less or presence of new paralysis, or suspicion of spinal cord injury or loss of sensation
Cutaneous	Soft tissue loss <sup>3</sup> or penetrating injury to extremities distal to knee or elbow	Amputation proximal to the wrist or ankle or any penetrating injury <sup>4</sup> to head, neck, or torso or extremity at or proximal to elbow or knee.
Fracture	Single FX site due to trauma excluding ground-level fall	Fracture or two or more long bones <sup>5</sup> or pelvic fracture
Age	55 years or older	
Mechanism of Injury	Prolonged extrication (>20 min.) evidence of high speed crash or significant vehicle damage or bent steering wheel or rollover, or motorcycle crash	Ejection from vehicle, death in same passenger compartment, pedestrian struck, falls >20 feet
Burns	<10% 2 <sup>nd</sup> or 3 <sup>rd</sup> degree	>10% 2 <sup>nd</sup> or 3 <sup>rd</sup> degree or burns to face, hands, feet, genitalia/perineum and major

		joints, electrical burn or lighting injury, chemical burns, inhalation injury, or burn injury in patient with pre-existing chronic medical condition
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B = any 2 transport as a trauma alert

R = any 1 transport as a trauma alert

1. Airway assistance beyond administration of oxygen
2. Best Motor Response:
  - 6: Obeys movement commands
  - 5: Purposeful movement to pain
  - 4: Withdraws to pain
  - 3: Flexes to pain (decorticate posturing)
  - 2: Extension response to pain (decelerate posturing)
  - 1: No response
3. Major degloving injuries, or major flap avulsion (>5 in.)
4. Excluding superficial wounds in which of the wound the can be determined
5. Longbone defined as humerus or femur

Table II  
Model Pediatric Trauma Triage Criteria & Methodology

The EMT or paramedic shall assess the condition of those injured persons with anatomical and physiological characteristics of a person 14 years of age or younger for the presence of at least 1 of the following criteria to determine whether to transport as a trauma alert. These criteria are to be applied in the order listed, and once any 1 criterion is met that identifies the patient as a trauma alert, no further assessment is required to determine the transport destination.

Criteria:

1. Meets color-coded triage system (see below)
2. Meets local criteria (specify) \_\_\_\_\_
3. Patient does not meet any of the trauma criteria listed above but, in the judgment of the EMT or paramedic, should be transported as a trauma alert (document) \_\_\_\_\_

Component	▼Blue▼	▼Red▼
Size	Weight ≤ 11 Kg or length ≤ 33 inches on a pediatric length and weight emergency tape	
Airway		Active airway assistance <sup>1</sup> or crush injury to the chest
Consciousness	Amnesia or loss of consciousness	Altered mental status <sup>2</sup> or coma or presence or paralysis or suspicion of spinal cord injury or loss of sensation
Circulation	Carotid or femoral pulses palpable, but the radial or pedal pulse not palpable or SBP < 90 mm of Hg <sup>2</sup>	Lack of radial pulse with systolic BP < 90 mmHg <sup>2</sup>
Fracture (FX)	Single closed long bone <sup>4</sup> fracture <sup>5</sup>	Open long bone <sup>4</sup> fracture <sup>6</sup> or multiple

		fracture sites or multiple dislocations <sup>6</sup>
Cutaneous		Major soft tissue disruption <sup>7</sup> or major flap avulsion or 2 <sup>nd</sup> or 3 <sup>rd</sup> degree burns to $\geq$ 10% TBSA or amputation <sup>8</sup> or any penetrating injury to head, neck or torso <sup>9</sup>

B = any 2 transport as a trauma alert

R = any 1 transport as a trauma alert

1. Airway assistance beyond administration of oxygen
2. OR < 70 + 2 x age in years
3. Altered mental states include drowsiness, lethargy, inability to follow commands, unresponsiveness to voice, totally unresponsive
4. Long bones include the humerus, (radius, ulna) femur, (tibia or fibula)
5. Long bone fractures do not include isolated wrist or ankle fractures
6. Long bone fractures do not include isolated wrist or ankle fractures or dislocations
7. Includes major degloving injury
8. Amputation proximal to ankle or wrist
9. Excluding superficial wounds where the depth of the wound can be determined

- (m) Verify the trauma care resources of all healthcare facilities in Michigan over a 3-year period.
  - (n) Establish a mechanism for periodic re-designation of all healthcare facilities.
  - (o) Develop a comprehensive statewide data collection system that shall be phased in over a 5-year period.
  - (p) Formulate recommendations for the development of performance improvement plans by the regional trauma networks, consistent with those in R 325.135.
  - (q) Develop a process for trauma system performance improvement, which will include responsibility for monitoring compliance with standards, maintaining confidentiality and periodic review of trauma facility standards. The following standards are incorporated by reference in these rules, as specified in R 325.129(2)(l) and R 325.135.
  - (r) Develop a process for the evaluation of trauma system effectiveness based on standards that are incorporated by reference in these rules, as specified in R 325.129(2)(l), and R 325.135.
  - (s) Coordinate and integrate appropriate injury prevention initiatives and programs.
  - (t) Support and fund the components of the state trauma system and the regional trauma networks, and provide adequate staffing and resources to carry out its responsibilities and functions.
  - (u) Conduct an accurate assessment of the training and education needs and resources of trauma care personnel throughout the state.
- (2) In developing a statewide trauma system, the department shall consider the following factors:
- (a) Efficient implementation and operation.
  - (b) Decrease in morbidity and mortality.
  - (c) Cost effective implementation.
  - (d) Incorporation of national standards.
  - (e) Availability of funds to implement.
- (3) The 2004 Michigan Trauma Systems Plan may be periodically updated by the statewide trauma advisory subcommittee and the emergency medical services coordinating committee.

R 325.130. Trauma facility verification; designation and re-designation.

Rule 6. (1) A healthcare facility, which intends to provide trauma care, shall obtain designation as a trauma facility, and a healthcare facility shall not self designate itself as a trauma facility.

(2) A healthcare facility shall not use the word “trauma” to describe its facility, or in its advertising, unless it obtains and maintains a designation as a “trauma facility” from the department.

(3) A healthcare facility that wishes to identify itself as a trauma facility shall meet the criteria for the level of designation being sought.

(4) The department shall re-designate the trauma capabilities of each healthcare facility on the basis of verification and designation requirements in effect at the time of re-designation.

(5) To obtain a designation as a “trauma facility”, the institution shall apply to the department. An applicant healthcare facility has a right to an administrative hearing if denied a specific trauma facility level designation.

(6) The department shall designate the existing trauma resources of all participating healthcare facilities in the state, based upon the following categories:

(a) A level I regional trauma research center shall comply with the standards that are incorporated by reference pursuant to R 325.129(2)(1), and all of the following:

(i) Comply with data submission requirements in R 325.133 and R 325.134.

(ii) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(1) and R 325.135.

(iii) Participate in coordinating and implementing regional injury prevention plans.

(iv) Provide staff assistance to the department in the designation and verification process of community trauma facilities and trauma support facilities contingent upon sufficient funding being appropriated.

(b) A level II regional trauma center shall comply with the standards that are incorporated by reference and verification criteria established by the American College of Surgeons Committee on Trauma (ACSCOT) for level II trauma facilities, pursuant to R 325.129(2)(1), and all of the following:

(i) Comply with data submission requirements in R 325.133 and R 325.134.

(ii) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(1) and R 325.135.

(iii) Participate in coordinating and implementing regional injury prevention plans.

(iv) Provide staff assistance to the department in the designation and verification process of community trauma facilities and trauma support facilities, contingent upon sufficient funding being appropriated.

(c) For a level III, community trauma facility, verification criteria shall be established by the department, with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee. The standards are incorporated by reference in these rules, based upon verification criteria established by ACSCOT for level III facilities, pursuant to R 325.129(2)(1), and all of the following:

(i) Comply with data submission requirements in R 325.133 and R 325.134.

(ii) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(1) and R 325.135.

(iii) Participate in coordinating and implementing regional injury prevention plans.

(d) For a Level IV, trauma support facility, verification shall be completed using an “in-state” process, and criteria shall be established by the department, with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee. The standards are incorporated by reference in these rules, based upon relevant verification criteria established by ACSCOT for level IV facilities, pursuant to R 325.129(2)(1) and shall include all of the following essential components:

(i) Institutional organization, which shall include all of the following:

(A) Trauma program.

(B) Trauma team.

(C) Trauma coordinator/TPM.

- (ii) Clinical capabilities – specialty immediately available 24 hours/day, as documented in a published on-call schedule.
- (iii) Clinical qualifications, which shall include both of the following:
  - (A) General/trauma surgeon, who has ATLS completion.
  - (B) Emergency medicine, with ATLS completion.
- (iv) Facilities/resources/capabilities, presence of surgeon at operative procedures.
- (v) Emergency department equipped with all of the following resuscitation equipment:
  - (A) Airway control and ventilation equipment.
  - (B) Pulse oximetry.
  - (C) Suction devices.
  - (D) Electrocardiograph-oscilloscope-defibrillator.
  - (E) Standard IV fluids and administration sets.
  - (F) Large-bore intravenous catheters.
  - (G) Sterile surgical sets for all of the following:
    - (1) Airway control/cricothyrotomy.
    - (2) Thoracostomy.
    - (3) Venous cutdown.
  - (G) Drugs necessary for emergency care.
  - (H) Broselow tape.
  - (I) Thermal control equipment for patient.
  - (J) Qualitative end-tidal Co<sub>2</sub> determination.
  - (K) Communication with EMS vehicles.
- (vi) Operating room with personnel available 24 hours /day, which shall include both of the following:
  - (A) Thermal control equipment for both of the following:
    - (1) Patient.
    - (2) Fluids and blood.
  - (B) X-ray capability.
- (vii) Postanesthetic recovery room, which shall include both of the following:
  - (A) Equipment for monitoring and resuscitation.
  - (B) Intracranial pressure monitoring equipment, which shall include both of the following:
    - (1) Pulse oximetry.
    - (2) Thermal control.
- (viii) Respiratory therapy services.
- (ix) Radiological services available 24 hours/day.
- (x) Clinical laboratory service available 24 hours/day, which shall include all of the following:
  - (A) Standard analyses of blood, urine, and other body fluids, including microsampling when appropriate.
  - (B) Blood typing and cross-matching.
  - (C) Coagulation studies.
  - (D) Comprehensive blood bank or access to a community central blood bank and adequate storage facilities.
  - (E) Blood gases and pH determinations.
  - (F) Microbiology including the following:
    - (1) Acute Hemodialysis or transfer agreement.
    - (2) Burn care, organized in-house or transfer agreement with burn center.
    - (3) Acute spinal cord management in-house or transfer agreement with regional acute spinal cord injury rehabilitation center.

- (4) Rehabilitation services in-house or transfer agreement to an approved rehabilitation facility.
- (5) Performance improvement, which shall include all of the following:
  - (a) Performance improvement programs.
  - (b) Participation in state, local, or regional registry.
  - (c) Audit of all trauma deaths.
  - (d) Morbidity and mortality review.
  - (e) Medical nursing audit including the following:
    - (i) Continuing education/outreach.
    - (ii) Prevention.
  - (e) The facility shall comply with data submission requirements as set forth in R 325.133 and R 325.134.
  - (f) The facility shall develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l) and R 325.135.
  - (g) The facility shall participate in coordinating and implementing regional injury prevention plans.
  - (h) The department may, with the advice and recommendations of the state trauma advisory committee and emergency medical services coordinating committee, modify the criteria or establish additional levels of trauma care resources as appropriate to maintain an effective state trauma system and protect the public welfare, except that the department shall not establish any criteria for the purpose of limiting the number of health care facilities that qualify for a particular trauma level under these rules.
- (7) The resources of healthcare facilities applying for level I regional trauma research facility or level II regional trauma facility designation status shall be verified by the ACSCOT and shall do all of the following:
  - (a) Comply with data submission requirements in R 325.133 and R 325.134.
  - (b) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l) and R 325.135.
  - (c) Participate in coordinating and implementing regional injury prevention plans.
  - (d) Provide staff assistance to the department in the designation and verification process of community trauma facilities and trauma support facilities contingent upon sufficient funding being appropriated.
- (8) Healthcare facilities seeking designation as a level III, community trauma facility shall be verified using either an “in-state” process established by the department, with the advice of the state trauma advisory subcommittee, or by the ACSCOT and shall do all of the following:
  - (a) Comply with data submission requirements in R 325.133 and R 325.134.
  - (b) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l) and R 325.135.
  - (c) Participate in coordinating and implementing regional injury prevention plans.
- (9) Healthcare facilities seeking designation as a Level IV, Trauma Support Facility shall be verified using an “in-state” process established by the department, with the advice of the state trauma advisory subcommittee, and shall do all of the following:
  - (a) Comply with data submission requirements in R 325.133 and R 325.134.
  - (b) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l) and R 325.135.
  - (c) Participate in coordinating and implementing regional injury prevention plans.
- (10) Healthcare facilities wishing to be re-designated as a Level I Regional Trauma Research Facility must independently obtain ACS verification at that level, and shall comply with the standards that are incorporated by reference pursuant to R 325.129(2)(l), and all of the following:
  - (a) Comply with data submission requirements in R 325.133 and R 325.134.
  - (b) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l) and R 325.135.

- (c) Participate in coordinating and implementing regional injury prevention plans.
- (d) Provide staff assistance to the department in the designation and verification process of community trauma facilities and trauma support facilities contingent upon sufficient funding being appropriated.
- (11) Healthcare facilities wishing to be re-designated as a Level II regional trauma facility must independently obtain ACS verification at that level, and shall comply with the standards that are incorporated by reference pursuant to R 325.129(2)(l), and all of the following:
  - (a) Comply with data submission requirements as set forth in R 325.133 and R 325.134.
  - (b) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l) and R 325.135.
  - (c) Participate in coordinating and implementing regional injury prevention plans.
  - (d) Provide staff assistance to the department in the designation and verification process of community trauma facilities and trauma support facilities contingent upon sufficient funding being appropriated.
- (12) Healthcare facilities wishing to be re-designated as a Level III community trauma facility must obtain verification at that level using either “in-state” resources, or the ACSCOT, and shall comply with the standards that are incorporated by reference pursuant to R 325.129(2)(l), and all of the following:
  - (a) Comply with data submission requirements in R 325.133 and R 325.134.
  - (b) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l) and R 325.135.
  - (c) Participate in coordinating and implementing regional injury prevention plans.
- (13) Healthcare facilities wishing to be re-designated as a Level IV trauma support facility must obtain verification at that level using an “in-state” process. Criteria shall be established by the department, with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee, based upon relevant most current verification criteria established by ACSCOT for level IV facilities, and shall comply with the standards that are incorporated by reference pursuant to R 325.129(2)(l), and those listed in R 325.130, and all of the following:
  - (a) Comply with data submission requirements in R 325.133 and R 324.134.
  - (b) Develop and submit a performance improvement plan based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l) and R 325.135.
  - (c) Participate in coordinating and implementing regional injury prevention plans.

R 325.131 Triage and transport.

Rule 7. (1) The department, with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee, shall develop recommendations, based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l), R 325.136, R 325.137, and R 325.138 for protocols which are established and adopted by local medical control, for the triage, transport, and inter-facility transfer of adult and pediatric trauma patients to appropriate trauma care facilities.

(2) The standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l), R 325.136, R 325.137, and R 325.138 for the triage, transport, and the inter-facility transfer of trauma patients provide recommended minimum standards of care for protocols which are established and adopted by local medical control that must be utilized in the transfer of care for trauma patients. On an annual basis, or as needed, the department shall review and update these recommended minimum standards with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee.

(3) The department, with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee, shall create regional trauma networks that shall have the responsibility for developing triage and transport procedures within that geographical area. Both of the following apply:

(a) Each regional trauma network shall be created within the emergency preparedness region currently established within the state.

(b) Each trauma region may create its own triage and transport criteria and protocols, destination criteria and protocols, and inter-facility transfer criteria and protocols, which are established and adopted by local medical control, so long as they meet or exceed the standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(l), R 325.136, R 325.137, and R 325.138, and that they are reviewed by the quality assurance task force and approved by the department. This may include coordination of triage and transport criteria and protocols, which are established and adopted by local medical control, across geographic regions if in the best interest of providing optimal trauma care to patients.

#### R 325.132 Trauma regions.

Rule 8. (1) The department, with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee, and contingent upon sufficient funding being appropriated, shall support the establishment and operational activities of the trauma regions through the commitment of staff resources consistent with recommendations of the 2004 Michigan trauma systems plan.

(2) Each region shall establish a regional trauma network as prescribed and defined by R 325.125 to R 325.135.

(3) All MCAs within a region must participate in the regional trauma advisory network, and life support agencies that care for trauma patients shall be offered membership on the regional trauma advisory committee. Regional trauma advisory committees shall be operated in a manner that maximizes inclusion of their constituents. All of the following apply:

(a) At least quarterly, a regional trauma network shall submit evidence of ongoing activity, such as meeting notices and minutes, to the department. Annually, the regional trauma advisory committee shall file a report with the department which describes progress toward system development, demonstrates on-going activity, and include evidence that members of the regional trauma advisory committee are currently involved in trauma care.

(b) The regional trauma network shall develop a system plan for comprehensive system development. The system plan is subject to review of the State trauma advisory subcommittee and emergency medical services coordinating committee and approval by the department.

(c) The department shall review the plan to assure that it contains at a minimum, all of the following:

(i) All counties within the regional trauma advisory committee have been included unless a specific county, or portion thereof, has been aligned within an adjacent network, and all health care entities and MCAs, life support agencies have been given an opportunity to participate in the planning process.

(ii) All of the following components have been addressed:

(A) Injury prevention.

(B) Access to the system.

(C) Communications.

(D) Medical oversight.

(E) Pre-hospital triage criteria.

(F) Trauma diversion policies.

(G) Trauma bypass protocols.

(H) Regional trauma treatment guidelines.

(I) Regional quality improvement plans.

(J) Trauma education.

(4) Each regional trauma network shall appoint a regional professional standards review organization as defined in R 325.127(e).

(5) Each regional trauma advisory committee shall develop performance improvement plans that are based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(1) and R 325.135, and shall be reviewed annually by the state trauma advisory subcommittee and emergency medical services coordinating committee for recommendations to the department.

(6) Recommendations, which are developed and proposed for implementation by a regional trauma advisory committee shall meet or exceed those that have been established by the department with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee, as based on standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(1).

(7) Once the department approves a completed regional trauma plan, the department shall recognize the regional trauma network. The regional trauma network approval process shall consist of the following phases:

(a) The first phase is the application phase, which begins with the submission to the department of a completed regional plan for the regional trauma network.

(b) The second phase is the review phase, which begins with the receipt of the regional plan, and ends with a department recommendation to approve the regional trauma network.

(c) The third phase is the final phase, with the department making a final decision regarding the regional trauma network plan. This phase also includes an appeal procedure for the denial of an approval of application in accordance with the department's administrative hearings requirements.

(8) If the application phase results in a recommendation to the department for approval by the statewide trauma advisory subcommittee and the emergency medical services coordinating committee, and the department approves, then the department shall notify the regional trauma network applicant of the recommended action within 90 days from receipt by the department.

(9) Upon approval, a regional trauma advisory committee shall implement the plan to include the following:

(a) Education of all entities about the plan components.

(b) On-going review of resources, process, and outcome data.

(c) If necessary, revision and re-approval of the plan or plan components by the department.

#### R 325.133. Data collection.

Rule 9. (1) The department, with the advice and recommendations of the state trauma advisory subcommittee and emergency medical services coordinating committee, shall develop and maintain a statewide trauma data collection system, and contingent upon sufficient funding being appropriated, shall do all of the following, which will include development of a state trauma data oversight committee, a subcommittee of the state:

(a) Adopt the national trauma data elements and definitions as a minimum set of elements for data collection, the following standards are incorporated by reference in these rules, as identified in the National Trauma Registry Data Dictionary August 2006, Version 2.2, and available free online at <http://www.facs.org/trauma/ntdb/datadictionary.pdf>. A copy may be obtained at no cost by writing the EMS & Trauma Systems Section, 201 Townsend Street, Lansing, MI 48913. Additional required data elements that shall be submitted include both of the following:

(i) Destination medical record number.

(ii) Patient care report number.

(b) Develop procedures to meet the 5-year data implementation plan, as set forth in the following, based on the effective date of these rules:

(i) Year 1 – Establish regions, define data dictionary, and define the data download and data verification process. Establish regional and state committee structure. Download all ACS verified trauma facility data to a regional trauma registry. Generate reports and evaluate uniformity of data. All of the following apply:

(A) Data related to a trauma response shall be submitted to the department on a quarterly basis. Initially, data may be submitted in either paper form, or as an electronic file.

(B) The initial data submission requirements only apply to trauma response patients who have a mechanism of injury that may have resulted from a criminal act. A healthcare facility need not determine whether the acts related to the mechanism of a patients injuries result in any criminal proceedings to include an arrest, prosecution, or conviction.

(C) For those trauma response patients who meet the criteria identified for initial data submission, the following data elements shall be submitted to the department:

(1) Patient identification number.

(2) A mechanism of injury code – ICD9, e-code, or another comparable alternative.

(3) Date of treatment.

(4) Facility federal identification number.

(ii) Year 2 – Work towards uploading regional data to state registry. Identify all healthcare facilities for data submission. Establish a data collection process for community trauma facilities, and trauma support facilities. Initial evaluation of regional data by regional committees and upload the data to the state trauma registry.

(iii) Year 3 – Develop annual reports using regional and state data defined by the state trauma data oversight committee, a subcommittee of the STAC. Assess the state trauma system and regional trauma network.

(iv) Year 4 –Expand the trauma data collection system to include all participating healthcare facilities.

(v) Year 5 - Evaluate and import additional data from existing databases on a needs basis.

(2) The department will support the data collection and analysis process through the commitment of staff resources consistent with the advice and recommendations of the state trauma advisory subcommittee and the emergency medical services coordinating committee.

(3) Both of the following shall apply to healthcare facility participation in data collection:

(a) All healthcare facilities with an emergency center shall participate in data submission.

(b) The confidentiality and protection of patient data collected as part of the creation and operation of the trauma system shall be provided and maintained through the creation of regional professional standards review organization, as provided in 1967 PA 270, MCL 331.531 to 331.533.

#### R 325.134 Trauma registry.

Rule 10. (1) The purpose of the trauma registry is to collect and analyze trauma system data to evaluate the delivery of adult and pediatric trauma care, develop injury prevention strategies for all ages, and provide resources for research and education.

(2) The department is responsible, contingent upon sufficient funding being appropriated, for the coordination of data collected by the trauma care facilities, emergency medical service providers, and first responder services. The department shall develop and publish a data submission manual that specifies all of the following:

(a) Data elements and definitions. The standards that are incorporated by reference pursuant to R 325.133(1)(a), and all of the following.

(i) Definitions of what constitutes a reportable trauma case.

(ii) Method of submitting data to the department.

(iii) Timetables for data submission.

- (iv) Electronic record format.
- (v) Protections for individual record confidentiality.
- (b) Notification of trauma care facilities, ambulance service providers and first responder services of the required registry data sets and update the facilities and providers, as necessary, when the registry data set changes.
- (c) Specification of both the process and timelines for healthcare facility and ambulance service provider submission of data to the department.
- (3) Submission of data. All healthcare facilities and life support agencies shall submit to the department trauma data determined by the department to be required for the department's operation of the state trauma registry. The department shall prescribe and provide both of the following:
  - (a) Standard reporting mechanisms to be used by all healthcare facilities and life support agencies.
  - (b) The form and content of records to be kept and the information to be reported to the department.
- (4) The department and regional trauma advisory committees shall use the trauma registry data to identify and evaluate regional trauma care and to prepare standard quarterly and annual reports and other reports and analyses as requested by regional trauma advisory committees, the state trauma advisory subcommittee, or the emergency medical services coordinating committee.

#### R 325.135 Performance improvement.

- Rule 11. (1) Each regional trauma advisory committee shall use the trauma registry data collected to improve trauma care through the appointment of regional professional standards review organizations, reduce death and disability, and correct local and regional injury problems.
- (2) Each regional trauma network shall appoint a professional standards review organization.
  - (3) Deviations from recommendations and protocols, which are established and adopted by local medical control and approved by the department for trauma patients, shall be addressed through a documented trauma performance improvement process established by a professional standards review organization.
  - (4) Data confidentiality. Each regional trauma advisory committee shall observe the confidentiality provisions of the health insurance portability and accountability act under 45 CFR Part 164, data confidentiality provisions under the code, or as established by the regional professional standards review organization.
  - (5) Process. The performance improvement process shall include the following standards that are incorporated by reference in these rules, pursuant to R 325.129(2)(1), and include all of the following for both pediatrics and adults:
    - (a) Data collection and analysis.
    - (b) Adult and pediatric-specific quality indicators for evaluating the trauma system and its components.
    - (c) A system for case referral.
    - (d) A process for indicator review and audit.
    - (e) A mechanism for an action plan and process improvement.
    - (f) A mechanism for feedback to the medical control authorities, the emergency medical services coordinating committee, and the state trauma advisory subcommittee.
    - (g) An evaluation of system performance to include all of the following:
      - (i) Designation: Compliance with criteria.
      - (ii) Triage and transport (Access).
      - (iii) Outcomes: (stratified by ISS/TRISS).
      - (iv) Both of the following transfers:
        - (a) LOS.

(b) Deaths.

(v) Both of the following patient care issues:

(a) Mortality: all deaths.

(b) Morbidity: Defined by regions.

(vi) Review of hospital performance improvement.

(vii) The following audit filters and data elements:

(A) Trauma related deaths list hospital, elapsed time, ED admission time, MOI, age, cause code, transport mode, GCS, RTS, AIS, ICD-9, CPT's and ISS for each patient.

(B) Trauma patients with more than one inter-hospital transfer prior to definitive care list hospitals sending and accepting the transfer for each patient meeting criterion.

(C) Ground transport trauma patients with an ED RTS less than or equal to 5.5 and scene transport times (scene departure to ED arrival) greater than 20 minutes list (and sort by) hospital, transport mode, EMS agency, scene to hospital transport time, injury county, cause code, ISS, and outcome for each patient meeting these criteria.

(D) Trauma patients with EMS scene times (EMS scene arrival to EMS scene departure) greater than 20 minutes list EMS agency, transport mode, scene time, scene procedures (air, CPR, fluids), trauma type, injury zip code (injury county), ISS, and outcome for patients meeting criterion.

(E) Transferred trauma patients with an ISS greater than 15 and transfer time (ED admit to definitive hospital admit) greater than 6 hours for rural place of injury or 4 hours for urban place of injury list ED hospital, definitive hospital, urban or rural place of injury, transfer time, cause code, ISS, and outcome for patients meeting criteria.

(F) Trauma patients with an ISS greater than 15 and ED time (ED admit to ED discharge) greater than 2 hours list hospital, patient transfer? (yes or no), cause code, and ED time for patients meeting criteria.

(G) Trauma patients who die with a probability of survival (TRISS) > 50%. (TRISS score for trauma patients using physiologic measures collected at the first presenting hospital) list hospital, age, cause code, transport mode, ISS, outcome, LOS, and TRISS for patients meeting criteria.

(H) Trauma patients with an ISS greater than 15 who are discharged from non-trauma centers list hospital, age, cause code, transport mode, ISS, outcome, discharge disposition, and time to discharge for each patient meeting criteria.

(I) Trauma patients transported by EMS without an associated ambulance report in the medical record list percentage of missing run reports by transport mode and EMS agency.

(J) Trauma patients 14 years of age or younger (children) who either had an ED GCS less than or equal to 8, intubation, or ISS greater than 15 and not transferred to a regional pediatric trauma center list hospital, age, ED GCS, ISS, cause code, LOS, and transport mode for each patient meeting criteria.

(5) Trauma System Evaluation. Each trauma care region shall be responsible for the ongoing evaluation of its trauma care system. Accordingly, each region shall develop a procedure for receiving information from EMS providers, trauma centers and the local medical community on the implementation of various components of that region's trauma system, shall include the standards that are incorporated by reference pursuant to R 325.129(2)(1), as well as include all of the following;

(a) The following system components to be evaluated:

(i) Components of the regional trauma plan.

(ii) Triage criteria, and effectiveness.

(iii) Activation of trauma team.

(iv) Notification of specialists.

(v) Trauma center diversion.

(b) Results to be reported annually. Based upon information received by the region in the evaluation process, the region shall annually prepare a report containing results of the evaluation and a performance improvement plan. Such report shall be made available to all EMS providers, trauma centers and the

local medical community. The region shall ensure that all trauma centers participate in this annual evaluation process, and encourage all other hospitals that treat trauma patients to do likewise. Specific information related to an individual patient or practitioner shall not be released. Aggregate system performance information and evaluation will be available for review.

(6) Performance improvement process for trauma centers. All trauma centers shall develop and have in place a performance improvement process focusing on structure, process, and outcome evaluations which focus on improvement efforts to identify root causes of problems, intervene to reduce or eliminate these causes, and take steps to correct the process as set forth in the trauma center level specific requirements. This system shall provide for input and feedback from these patients and guardians to hospital staff regarding the care provided.

In addition, the process shall include the standards that are incorporated by reference pursuant to R 325.129(2)(1), and all of the following:

- (a) A detailed audit of all trauma-related deaths, major complications and transfers.
- (b) A multidisciplinary trauma peer review committee that includes all members of the trauma team.
- (c) Participation in the trauma system data management system.
- (d) The ability to follow up on corrective actions to ensure performance improvement activities.

(7) Performance improvement process for trauma care regions. Each trauma care region shall be required to develop and implement a region wide trauma performance improvement program. This program shall include the standards that are incorporated by reference pursuant to R 325.129(2)(1), and shall include the development of an annual processes for reporting to the department a review of all region-wide policies, procedures, and protocols.

#### R 325.136 Destination protocols.

Rule 12. Local MCA's shall develop and submit trauma destination protocols to the EMS and trauma section for review by the quality assurance task force, pursuant to MCL 333.20916. Upon review and approval by the department the MCA must formally adopt and implement the protocol. The following factors will be used in evaluating those destination protocols.

(a) All trauma patients, as defined by the adult and pediatric trauma and triage criteria and methodology documents, should be transported to the closest appropriate state designated trauma center. There is not 1 single set of criteria that can define the appropriate trauma center for each area of the state. Each region will need to determine a system that is appropriate for its specific situation. The following factors may be used to assist in this process:

(i) If a level 1 or 2 state designated trauma center is within 30 minutes transport time of the scene, the adult patient should be transported to the closest of these facilities.

(ii) Pediatric trauma patients should be transported to a regionally designated facility for appropriate evaluation and stabilization and then transported to the appropriate children's trauma center if needed. Parents should be transported to the same facility as their children if resources are available.

(b) Bypassing a level 3 or 4 trauma center or a nonparticipating hospital is appropriate as long as the level 1 or 2 facility is within a reasonable distance from the scene, as defined by protocol.

(c) Trauma patients shall not be transported to a facility not participating in the state trauma system unless there is no other reasonable alternative available. For example, the next closest facility is more than a reasonable distance from the scene.

(d) Some areas of the state have prolonged transport times to any facility. Trauma patients in these areas shall be transported to the closest facility that can facilitate rapid transport to the definitive care facility.

(e) In areas of the state where level 1 and 2 trauma centers are not within a reasonable distance from the scene, the trauma patient shall be transported to the closest appropriate highest level trauma center.

(f) Each region shall carefully evaluate this situation since it could be detrimental to the patient to transport him/her to a level 4 center 30 minutes to the east, when the closest level 2 center is 40 minutes to the west. That patient would then have to be transported 70 minutes back to the west after stabilization.

(g) Protocols shall take into account the fact that some centers may have different resources available even though they are the same level.

(h) Each region shall make appropriate determinations for destination based on what is best for the patient rather than based on politics or economic factors.

(i) In areas of the state close to state borders, the most appropriate facility may be out of the state. Whenever possible, trauma patients shall be transported within state borders, but local protocols shall address this issue.

#### R 325.137 Trauma patient inter-facility transfer protocols.

Rule 13. (1) All designated trauma centers shall maintain inter-facility transfer protocols for trauma patients.

All level 3, level 4 and non-designated hospitals will develop and implement a formal policy that describes the process for transfer of trauma patients who meet criteria to be cared for at a level 1 or level 2 trauma center.

All level 3, level 4 and non-designated hospitals will have formal transfer agreements established with level 1 or level 2 hospitals for the transfer and receipt of trauma patients.

(4) Trauma patients will be transported to Michigan hospitals that participate in and are designated as a Michigan trauma facility.

(5) Michigan hospitals that frequently transfer patients to out of state hospitals will do so only if a designated Michigan trauma center is unavailable.

(6) A trauma patient, who meets the criteria set forth in the adult and pediatric trauma triage methodology documents, will undergo rapid evaluation and treatment in preparation for transfer.

(7) Level 3 and level 4 hospitals shall have protocols for activation of the transfer process, in anticipation of need for a level 1 or level 2 center, by pre-hospital personnel prior to arrival at the level 3 or level 4 hospital based on the adult and pediatric trauma triage methodology.

(8) The method by which the patient is transferred (ground or air) shall be determined by the sending or receiving physician based on patient need. Patients needing staff or equipment beyond the scope of local ground providers will be transferred via air-medical personnel at the discretion of the sending or receiving physician, or as defined by section 20921 (5).

(9) Patients or their families may request transfer to a specific hospital if it is designated as a level 1 or level 2 trauma center, and the transfer can be accomplished without harm to the patient.

#### R325.138 Criteria for transfer protocols; criteria.

Rule 14. Designated trauma centers shall use all of the following criteria for trauma patient transfer protocols:

(1) Central nervous system:

(a) Depressed skull fracture.

(b) Penetrating injury /open fracture, with or without cerebrospinal fluid leak.

(c) GCS <14 or deterioration.

(d) Spinal cord injury or cerebral vascular injury.

(2) Chest:

(a) Major chest wall injury or pulmonary contusion.

(b) Wide mediastinum or other signs suggesting great vessel injury.

(c) Cardiac injury.

- (d) Patients who may require prolonged ventilation.
- (e) Flail chest/multiple rib fractures.
- (3) Pelvis/Abdomen:
  - (a) Unstable pelvic ring disruption.
  - (b) Pelvic fracture with shock or other evidences of continuing hemorrhage.
  - (c) Open pelvic injury.
  - (d) Intra-abdominal visceral injury.
  - (e) Acetabular injury.
- (4) Major Extremity Injuries:
  - (a) Fracture/dislocation with loss of distal pulses.
  - (b) Open long-bone fractures.
  - (c) Extremity ischemia.
  - (d) Compartment syndrome.
- (5) Multiple-system injury:
  - (a) Head injury combined with face, chest, abdominal, or pelvic injury.
  - (b) Burns with any combination of multi-system, injury including inhalation injury.
  - (c) Multiple long-bone fractures.
  - (d) Injury to more than two body regions.
- (6) Comorbid Factors:
  - (a) Age >55 years.
  - (b) Children <5 years.
  - (c) Cardiac or respiratory disease.
  - (d) Insulin-dependent diabetes.
  - (e) Morbid obesity.
  - (f) Pregnancy.
  - (g) Immunosuppression.
  - (h) Liver or renal insufficiency.
- (7) Secondary deterioration (late sequelae):
  - (a) Prolonged mechanical ventilation >48 hours.
  - (b) Sepsis.
  - (c) Single or multiple organ system failure (deterioration in central nervous, cardiac, pulmonary, hepatic, renal, or coagulation systems).
  - (d) Major tissue necrosis /soft tissue injury.

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**ADMINISTRATIVE RULES**

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SOAHR 2006-014

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

PUBLIC SERVICE COMMISSION

Consumer Standards And Billing Practices

For Electric And Gas Residential Service

Filed with the Secretary of State on October 26, 2007

These rules become effective immediately upon filing with Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the public service commission by section 7 of 1909 PA 106, section 5 of 1919 PA 419, sections 4 and 6 of 1939 PA 3, and sections 3, 9, and 231 of 1965 PA 380, MCL 460.557, MCL 460.55, MCL 460.4, 460.6, MCL 16.103, MCL 16.109, and MCL 16.331)

R 460.2101, R 460.2102, R 460.2103, R 460.2104, R 460.2105, R 460.2111, R 460.2112, R 460.2113, R 460.2114, R 460.2115, R 460.2116, R 460.2117, R 460.2118, R 460.2119, R 460.2120, R 460.2121, R 460.2122, R 460.2123, R 460.2124, R 460.2125, R 460.2131, R 460.2132, R 460.2133, R 460.2134, R 460.2136, R 460.2141, R 460.2142, R 460.2143, R 460.2144, R 460.2145, R 460.2146, R 460.2147, R 460.2148, R 460.2149, R 460.2150, R 460.2151, R 460.2152, R 460.2153, R 460.2154, R 460.2155, R 460.2161, R 460.2162, R 460.2163, R 460.2164, R 460.2165, R 460.2166, R 460.2167, R 460.2168, R 460.2169, R 460.2170, R 460.2171, R 460.2172, R 460.2173, R 460.2174, R 460.2181, R 460.2182, R 460.2183, R 460.2184, R 460.2185, R 460.2186, R 460.2187, R 460.2188, R 460.2189, R 460.2190, R 460.2191, R 460.2192, and R 460.2199 are rescinded from the Michigan Administrative Code, and R 460.101, R 460.102, R 460.103, R 460.104, R 460.105, R 460.106, R 460.107, R 460.108, R 460.109, R 460.110, R 460.111, R 460.112, R 460.113, R 460.114, R 460.115, R 460.116, R 460.117, R 460.118, R 460.119, R 460.120, R 460.121, R 460.122, R 460.123, R 460.124, R 460.125, R 460.126, R 460.127, R 460.128, R 460.129, R 460.130, R 460.131, R 460.132, R 460.133, R 460.134, R 460.135, R 460.136, R 460.137, R 460.138, R 460.139, R 460.140, R 460.141, R 460.142, R 460.143, R 460.144, R 460.145, R 460.146, R 460.147, R 460.148, R 460.149, R 460.150, R 460.151, R 460.152, R 460.153, R 460.154, R 460.155, R 460.156, R 460.157, R 460.158, R 460.159, R 460.160, R 460.161, R 460.162, R 460.163, R 460.164, R 460.165, R 460.166, R 460.167, R 460.168, and R 460.169 are added to the Code as follows:

**PART 1. GENERAL PROVISIONS**

R 460.2101 Rescinded.

R 460.2102 Rescinded.

R 460.2103 Rescinded.

R 460.2104 Rescinded.

R 460.2105 Rescinded.

R 460.2111 Rescinded.

R 460.2112 Rescinded.

R 460.2113 Rescinded.

R 460.2114 Rescinded.

R 460.2115 Rescinded.

R 460.2116 Rescinded.

R 460.2117 Rescinded.

R 460.2118 Rescinded.

R 460.2119 Rescinded.

R 460.2120 Rescinded.

R 460.2121 Rescinded.

R 460.2122 Rescinded.

R 460.2123 Rescinded.

R 460.2124 Rescinded.

R 460.2125 Rescinded.

R 460.2131 Rescinded.

R 460.2132 Rescinded.

R 460.2133 Rescinded.

R 460.2134 Rescinded.

R 460.2136 Rescinded.

R 460.2141 Rescinded.

R 460.2142 Rescinded.

R 460.2143 Rescinded.

R 460.2144 Rescinded.

R 460.2145 Rescinded.

R 460.2146 Rescinded.

R 460.2147 Rescinded.

R 460.2148 Rescinded.

R 460.2149 Rescinded.

R 460.2150 Rescinded.

R 460.2151 Rescinded.

R 460.2152 Rescinded.

R 460.2153 Rescinded.

R 460.2154 Rescinded.

R 460.2155 Rescinded.

R 460.2161 Rescinded.

R 460.2162 Rescinded.

R 460.2163 Rescinded.

R 460.2164 Rescinded.

R 460.2165 Rescinded.

R 460.2166 Rescinded.

R 460.2167 Rescinded.

R 460.2168 Rescinded.

R 460.2169 Rescinded.

R 460.2170 Rescinded.

R 460.2171 Rescinded.

R 460.2172 Rescinded.

R 460.2173 Rescinded.

R 460.2174 Rescinded.

R 460.2181 Rescinded.

R 460.2182 Rescinded.

R 460.2183 Rescinded.

R 460.2184 Rescinded.

R 460.2185 Rescinded.

R 460.2186 Rescinded.

R 460.2187 Rescinded.

R 460.2188 Rescinded.

R 460.2189 Rescinded.

R 460.2190 Rescinded.

R 460.2191 Rescinded.

R 460.2192 Rescinded.

R 460.2199 Rescinded.

R 460.101 Application of rules.

Rule 1. These rules apply to residential utility service that is provided by electric and natural gas utilities that are subject to the jurisdiction of the public service commission.

R 460.102 Definitions.

Rule 2. As used in these rules:

(a) “Actual meter reading” means a gas or electric meter reading that is based on the customer’s actual energy use during the period reported and that was performed by a utility representative, by the customer and communicated to the company by mail, telephone, fax, on a secure company website, or other reasonable means, or that was transmitted to the utility by an automated or remote meter reading device.

(b) “Applicant” means an emancipated minor or a person 18 years of age or older requesting residential utility service in person at the utility company office, in writing, by telephone or fax machine, through

the internet, or any other form of communication that allows the applicant to provide the information required by the utility company.

(c) “Billing error” means an undercharge or overcharge that is caused by any of the following:

(i) An incorrect actual meter read by a company representative.

(ii) An incorrect remote meter read.

(iii) An incorrect meter constant.

(iv) An incorrect calculation of the applicable rate.

(v) A meter switched by the utility or a utility representative.

(vi) An incorrect application of the rate schedule.

(vii) Another similar act or omission by the utility in determining the amount of a customer's bill. An undercharge or overcharge that is caused by a non-registering meter, a meter error, or the use of an estimated meter read or a customer read is not a billing error.

(d) “Billing month” means a natural gas or electric consumption period of not less than 26 or more than 35 days.

(e) “Billing specialist” means a representative of a utility who investigates and resolves meter reading discrepancies or errors.

(f) “Charges for tariff service” means the rates for regulated electric and gas service and other charges approved by the commission.

(g) “Collection charge” means a commission approved charge assessed for the costs associated with sending an employee or agent to a residence to collect a past due payment in lieu of shutoff of service.

(h) “Commission” means the Michigan public service commission.

(i) “Complaint determination” means the written decision of a hearing officer after an informal hearing.

(j) “Critical care customer” means any customer who requires, or has a household member that requires home medical equipment or a life support system, and who has provided appropriate documentation from a physician or medical facility to the utility identifying the medical equipment or life support system and certifying that an interruption of service would be immediately life-threatening.

(k) “Customer” means a purchaser of electricity or natural gas that is supplied or distributed by a utility for residential purposes.

(l) “Cycle billing” means a system that renders bills for utility service to various customers on different days of a calendar month.

(m) “Delinquent account” means an account with charges for utility service that remains unpaid at least 5 days after the due date.

(n) “Eligible low-income customer” means a utility customer whose household income does not exceed 150% of the federal poverty guidelines as published by the United States department of health and human services or who receives any of the following:

(i) Supplemental security income or low-income assistance through the department of human services or successor agency.

(ii) Food stamps.

(iii) Medicaid.

(o) “Eligible military customer” means a utility customer, spouse of a customer, or customer whose spouse is in the military who meets all of the following:

(i) Is on full-time active duty.

(ii) Is deployed overseas in response to a declared war or undeclared hostilities or is deployed within the United States in response to a declared national or state emergency and the household income is reduced as a result.

(iii) Notifies the utility of his or her eligibility.

(iv) Provides verification of eligibility if requested by the utility.

(p) “Eligible senior citizen customer” means a utility customer who meets all of the following criteria:

- (i) Is 65 years of age or older.
- (ii) Advises the utility of his or her eligibility.
- (q) “Energy assistance program” means a program that provides financial assistance or assistance in improving residential energy efficiency and energy conservation.
- (r) “Energy usage” means the consumption of electricity or natural gas.
- (s) “Estimated bill” means a bill for service at the premises that is not based on an actual meter reading for the period being billed but that is based on calculations of how much gas or electricity a customer used during the billing period.
- (t) “Formal hearing request” means a document describing how a regulated utility has violated a customer’s rights or these rules that is presented in writing to the executive secretary of the commission to initiate an administrative process in accordance with the rules of practice and procedure before the commission, R 460.17101 et. seq.
- (u) “Gas cost recovery” means the adjustment in rates to recognize the cost of purchased gas.
- (v) “Hearing officer” means a notary public who is qualified to administer oaths to conduct informal customer complaint hearings against the utility company and who is on a list filed with the commission.
- (w) “In dispute” means that a matter is the subject of an unresolved disagreement, claim, or complaint against a utility by a customer, or the customer’s authorized agent.
- (x) “Informal appeal” means an appeal of a complaint determination of a hearing officer to the commission staff.
- (y) “Informal appeal decision” means the written decision of the regulation officer in regard to an informal appeal.
- (z) “Informal complaint” means a matter that requires follow-up action or investigation by the utility or the commission to resolve the matter without a formal hearing.
- (aa) “Inquiry” means a question regarding a utility matter that is asked by the customer and answered by the utility or the commission.
- (bb) “Late payment charge” means a finance, service, carrying, or penalty charge that is assessed by a utility because a bill or portion of a bill is delinquent.
- (cc) “Medical emergency” means an existing medical condition of the customer or a member of the customer’s household, as defined and certified by a physician or public health official on official stationary or company-provided form, that will be aggravated by the lack of utility service.
- (dd) “Meter error” means a failure to accurately measure and record all of the natural gas or electrical quantities used that are required by the applicable rate or rates.
- (ee) “New customer” means a customer who has not received the utility's service within the previous 6 years.
- (ff) “Peak season” means the months of November, December, January, February and March for natural gas service or electric space heating and June, July and August for other electric service.
- (gg) “Positive identification information” means a consistently used appropriate identification such as, but not limited to, a driver’s license or ID card issued by a state, U.S. military card or military dependent’s ID card, Native American tribal document, or passport.
- (hh) “Power supply cost recovery” means the adjustment in rates to recognize the cost of purchased power and fuel for electric generation.
- (ii) “Previous customer” means a customer who has received the utility's service within the previous 6 years but is not currently receiving service.
- (jj) “Regulation officer” means a member of the commission staff who resolves complaints in accordance with these rules.
- (kk) “Remote shutoff or restoration capability” means the ability to terminate or restore service to a premises from another location.

(ll) “Residential service or use” means the provision or use of electricity or natural gas for residential purposes.

(mm) “Satisfactory payment history” means that a customer’s account was not delinquent more than 1 time in the past 12 months.

(nn) “Seasonally billed customer” means a customer who is billed on a seasonal basis in accordance with a utility tariff that is approved by the commission.

(oo) “Settlement agreement” means a documented agreement that is entered into by a customer and a utility and that resolves any matter in dispute or provides for the payment of amounts not in dispute over a reasonable period of time.

(pp) “Shutoff of service” means a discontinuance of utility service that is not requested by a customer.

(qq) “Space heating season” means the period between November 1 and March 31.

(rr) “Termination of service” means a discontinuance of utility service that is requested by a customer.

(ss) “Unauthorized use of utility service” means theft, fraud, interference, or diversion of service, including but not limited to meter tampering (any act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between a service line and customer-owned facilities), and service restoration by anyone other than the utility or its representative.

(tt) “Utility” means a person, firm, corporation, cooperative, association, or other legal entity that is subject to the jurisdiction of the commission and that provides electric or gas service for residential use.

(uu) “Weather adjusted consumption data” means a customer’s monthly energy usage divided by the number of heating or cooling degree days for that month.

#### R 460.103 Discrimination prohibited.

Rule 3. A utility shall not discriminate against or penalize a customer for exercising any right granted by these rules.

#### R 460.104 Conduct of proceedings.

Rule 4. The informal procedures required by these rules shall not constitute a contested case as defined by section 3 of 1969 PA 306, MCL 24.203.

#### R 460.105 Additional rules.

Rule 5. A utility may adopt additional rules governing relations with its customers that are reasonable and necessary and that are consistent with these rules. The utility's rules shall be an integral part of its tariffs and shall be subject to approval by the commission. If there is a conflict between these rules and a utility's rules or tariffs, these rules govern.

### Part 2. APPLICATION FOR SERVICE

#### R 460.106 Service requests for new or previous customers.

Rule 6. (1) Applicants for service may become new customers by requesting service in person at the utility company office, in writing, by telephone, fax, or internet, or other means of communication. Using any of these methods, an applicant shall do both of the following:

(a) Provide positive identification information as defined in R 460.102.

(b) Pay a deposit, if required by R 460.109 or R 460.110.

(2) The utility may also require payment of a delinquent account as a condition of providing or continuing service if the following conditions apply:

(a) The delinquent account is in the customer’s or applicant’s name.

(b) The delinquent account is not in dispute, owed to the utility, and accrued within the last 6 years. The utility shall provide the applicant with information on the process to refute or contest the delinquent account.

R 460.107 Applicant information.

Rule 7. (1) A utility may request but shall not require anyone other than the applicant to assume responsibility for service. A utility shall permit more than 1 name on the application if requested by the customer and agreed to by the second party.

(2) If the applicant is renting the premises for which service is requested, a utility may require proof that the applicant is a tenant. Written or oral confirmation by the manager, landlord, or owner of the property, or a verified signed copy of the rental agreement is sufficient proof. An applicant may verify a lease by submitting a lease agreement containing notarized signatures of the landlord and tenant or by providing the utility with contact information for the landlord.

PART 3. DEPOSITS AND GUARANTEE TERMS AND CONDITIONS

R 460.108 Prohibited practices.

Rule 8. A utility shall not require a deposit or other guarantee as a condition of new or continued utility service based upon any of the following:

- (a) Consumer credit score, if the customer or applicant has prior utility service credit history with any electric or gas provider during the previous 6 years.
- (b) Income.
- (c) Home ownership.
- (d) Residence location.
- (e) Race.
- (f) Color.
- (g) Creed.
- (h) Sex.
- (i) Age.
- (j) National origin.
- (k) Marital status.
- (l) Familial status.
- (m) Disability.
- (n) Any other criteria not authorized by these rules.

R 460.109 Deposit for new customer.

Rule 9. (1) A utility may require a deposit as a condition of providing service to a new customer if any of the following provisions apply:

- (a) At the time of the request for service, the applicant has a delinquent bill with any electric or gas provider that accrued within the last 6 years and that remains unpaid and is not in dispute.
- (b) The applicant misrepresents his or her identity or credit standing.
- (c) The applicant fails to provide positive identification information upon request at the time of applying for new service.
- (d) The applicant requests service for a location at which he or she does not reside.
- (e) The applicant engaged in unauthorized use of utility service within the last 6 years, provided that the finding of unauthorized use of utility service was made after notice and an opportunity for a hearing and is not in dispute.

(f) Within the past 3 years, the applicant lived in a residence with a person who accrued a delinquent account for electric or gas service to the shared residence, during the time the applicant lived there, which remains unpaid and is not in dispute, and the person with the delinquent account now resides with the applicant. The utility shall advise the applicant of the process by which the applicant can refute this claim.

(g) The applicant has sought relief under federal bankruptcy laws within the last 6 years.

(2) Notwithstanding any of the provisions of subrule (1) of this rule, a utility shall not require a deposit as a condition of providing service to a new customer if any of the following provisions apply:

(a) The department of human services or its successor agency is responsible for making payments to a utility on behalf of the applicant.

(b) The applicant secures a guarantor who is a customer in good standing with the utility.

(c) The applicant is 65 years of age or older and has a satisfactory payment history for the past 3 years with any gas or electric provider.

R 460.110 Deposit for a previous customer or for continued service.

Rule 10. (1) A utility may require a deposit as a condition of providing or restoring service to a previous customer or continuing service to a current customer if any of the following provisions apply:

(a) At the time of the request for service, the customer or applicant has a prior service account that is delinquent, that accrued within the last 6 years, and that remains unpaid and is not in dispute or if litigation was required to obtain full payment of a utility account that was not in dispute.

(b) The customer or applicant misrepresents his or her identity or credit standing.

(c) The customer or applicant fails to provide positive identification information upon request at the time of applying for service.

(d) The customer or applicant engaged in unauthorized use of utility service within the last 6 years, if the finding of unauthorized use of utility service was made after notice and an opportunity for a hearing under these rules and is not in dispute.

(e) The utility has shut off service to the customer for nonpayment of a delinquent account that is not in dispute.

(f) The utility has had 1 or more checks issued from the customer's account returned from a financial institution for insufficient funds or no account or has had 1 or more payments from the customer's debit or credit card or other form of payment denied within the last 12 months, excluding financial institution error.

(g) The applicant has sought relief under federal bankruptcy laws within the last 6 years.

(h) Within the past 3 years, the applicant lived in a residence with a person who accrued a delinquent account for electric or gas service to the shared residence, during the time the applicant lived there, which remains unpaid and is not in dispute, and the person with the delinquent account now resides with the applicant. The utility shall advise the applicant of the process by which the applicant can refute this claim.

(2) Notwithstanding any of the provisions of subrule (1) of this rule, a utility shall not require a deposit as a condition of providing service to a previous customer or continuing service to a current customer if one of the following provisions applies:

(a) The department of human services or its successor agency is responsible for making payments to a utility on behalf of the applicant.

(b) The customer or applicant secures a guarantor who is a customer in good standing with the utility.

(c) The applicant is 65 years of age or older and has a satisfactory payment history with any gas or electric provider for the past 3 years.

R 460.111 General deposit conditions.

Rule 11. (1) All of the following apply to payment of deposits:

- (a) For a primary residence, a deposit that is required under these rules due to a prior outstanding account that is not in dispute or a shutoff for nonpayment shall not be more than twice the average monthly bill for the premises or, if the current customer's consumption history for the premises is unavailable, twice the utility's system average monthly bill for residential service.
- (b) For seasonal properties, a deposit that is required under these rules due to a prior outstanding account that is not in dispute or a shutoff for nonpayment shall not be more than twice the average monthly bill for peak season usage.
- (c) A utility shall offer an eligible low-income customer the option of paying a deposit required under these rules in 2 monthly installments.
- (2) Whenever a utility requests a deposit because of an unpaid account incurred in another household member's name for a time when the customer and the other person shared a residence, as described in R 460.109(f) or R 460.110(i), the utility shall provide the customer with notice of the reason for the request, the commission rule that allows the utility to make the request, and the process for refuting the action.
- (3) A deposit that is required during the space heating season due to a disconnect for nonpayment within the past 12 months, shall not exceed the utility system average monthly gas bill for gas service or the utility system average monthly electric bill for electric service. If the customer receives gas and electric service from a combination utility, the deposit shall not exceed the total of the utility's combined system average monthly gas and electric bills.
- (4) A deposit that is required as a condition of providing, restoring, or continuing service due to unauthorized use of utility service shall not be more than 4 times the average peak season monthly bill for the premises or 4 times the utility's system average peak season monthly bill for residential service if the customer's consumption history for the premises is unavailable. The utility may also require payment of the delinquent account and approved charges as a condition of providing, restoring, or continuing service if the account is in the customer's, or applicant's name, is delinquent, owed to the utility, and accrued within the last 6 years.
- (5) Unless the applicant misrepresents his or her identity or credit standing or fails to provide positive identification information, if requested, at the time of applying for service, the utility shall not assess a deposit if the customer has been in service for 30 days or more.
- (6) Except in the case of unauthorized use of utility service, if the utility shuts off service for nonpayment, the utility shall not require a deposit as a condition of restoring service unless the utility offered the customer, prior to shutoff for nonpayment, the opportunity to enter into a settlement agreement as provided in Part 10 of these rules.
- (7) A utility shall pay interest at the rate of 7% per annum on all deposits. A utility shall credit interest semiannually to the service account of the customer or pay it upon the return of the deposit, whichever occurs first.
- (8) The customer's credit shall be established and the utility shall return the deposit and accrued interest upon satisfactory payment by the customer of all proper charges for utility service for a period of 12 consecutive months. A utility may retain the deposit assessed because of unauthorized use of utility service for a period of 36 months and shall refund the deposit upon satisfactory payment of the final 12 months' charges.
- (9) For purposes of this rule, payment is satisfactory if it is made before the issuance of a notice of shutoff of service for nonpayment that is not in dispute or within 5 days after the issuance of the next succeeding monthly bill, whichever is sooner.
- (10) For customers terminating service, if the utility has not already returned the deposit, the utility shall credit the deposit, with accrued interest, to the final bill. For customers continuing to receive service, a utility may apply the deposit against an existing arrearage that is not in dispute. The utility shall promptly return the balance to the customer.

(11) A utility shall maintain a detailed record of all deposits received from customers. The record shall show all of the following information:

- (a) The name of the residential customer.
- (b) The location of the premises occupied by the customer at the time of making the deposit and each successive location while the deposit is retained.
- (c) The date the customer made the deposit and the amount.
- (d) The dates the utility paid interest and the amounts.
- (e) Place of payment.
- (f) Name of the utility employee who received the deposit.
- (g) The terms and conditions governing the return of the deposit.

(12) A utility shall provide the customer with a written receipt for the deposit and instructions regarding how a customer who is entitled to the return of his or her deposit may obtain the deposit.

(13) A utility shall make reasonable efforts to locate customers with unclaimed deposits or credits.

(14) A utility shall apply deposit standards uniformly to all customers. A utility shall provide to any customer who objects to paying a deposit information on the process to contest the deposit requirement.

R 460.112 Guarantee terms and conditions.

Rule 12. (1) A guarantee that is accepted in accordance with these rules shall be in writing and shall be in effect for not more than 36 months. The written guarantee shall state all of the terms of the guarantee and the maximum amount guaranteed. The utility shall not hold the guarantor liable for a greater amount, unless agreed to in a separate written guarantee.

(2) Notwithstanding the stated term of the guarantee, if longer than 12 months, the customer's credit shall be established and the utility shall release the guarantor upon satisfactory payment by the customer of all proper charges for utility service for a period of 12 consecutive months, unless the guarantee was required due to unauthorized use of utility service.

(3) A utility may require a guarantee because of unauthorized use of utility service for 36 months.

(4) For purposes of this rule, payment is satisfactory if it is made before the issuance of a notice of shutoff of service for nonpayment that is not in dispute or within 5 days after the issuance of the next succeeding monthly bill, whichever is sooner.

(5) A utility may withhold the release of a guarantor pending the resolution of a shutoff for nonpayment that is in dispute in accordance with these rules.

#### PART 4. METER READING PROCEDURES, METER ACCURACY, METER ERRORS AND RELOCATION

Rule 460.113 Actual and estimated meter reading.

Rule 13. (1) Except as specified in this rule, a utility shall provide all residential customers with an actual monthly meter reading as defined in R 460.102. A utility may estimate a meter reading only if an actual meter reading cannot be obtained by any reasonable or applicable method described in R 460.102. If a utility cannot obtain an actual meter reading, then the utility shall maintain records of the efforts made to obtain an actual meter reading and its reasons for failure to obtain an actual meter reading.

(2) A utility may estimate customer bills only upon a finding by the commission that a utility's estimated bill procedures assure reasonable billing accuracy. A bill that is rendered on an estimated basis shall be clearly and conspicuously identified as such. Any substantive changes to a utility's billing estimation procedures shall be submitted to the commission.

(3) Notwithstanding the provisions of subrule (1) of this rule, a utility may render estimated bills to seasonally billed customers in accordance with tariffs approved by the commission.

(4) If a utility estimates a customer's bill for 2 or more consecutive months, when an actual meter read is obtained the utility shall offer the customer the opportunity to pay the bill over the same number of months as consecutively estimated bills. This subrule shall not apply if the utility cannot obtain access to the meter and the customer fails to provide a meter reading if requested by the utility.

(5) An estimated bill that is generated because the actual read is outside the range for the premises usage shall not be issued in consecutive months. If the utility is actively engaged in resolving the problem, an additional 30 days is permitted to correct the problem and obtain an actual meter reading.

(6) If a utility shuts off service due to non-payment, the utility must complete a final read or, if unable to obtain an actual read after reasonable attempts, the utility may estimate the bill.

#### Rule 460.114 Company representative identification.

Rule 14. Upon request, the utility representative reading the meter shall provide the customer or other household member with appropriate picture identification confirming the representative's employment with the company.

#### R 460.115 Customer meter reading.

Rule 15. A utility shall provide each customer with the opportunity to read and report energy usage provided the customer accurately reports energy usage on a regular basis. A utility shall provide postage-paid, pre-addressed postcards for this purpose upon request, or the utility may permit customers to report meter readings on a secure company website, by telephone, or other reasonable means. At least once every 12 months, a utility shall obtain an actual meter reading of energy usage to verify the accuracy of readings reported in this manner. Notwithstanding the provisions of this rule, a utility company representative may read meters on a regular basis.

#### R 460.116 Meter accuracy, meter errors, meter relocation.

Rule 16. (1) Meters with actual readings that are rejected by the utility billing system for 2 consecutive months because they are outside the expected range of the customer's usage for the premises shall be reviewed by a billing specialist, investigated, and, if necessary, the meter shall be repaired or replaced.

(2) Meters recording usage inaccurately shall be repaired or replaced by the company. Any meter in service that remains broken as determined by a specific test of the meter or that does not correctly register customer usage for a period of 6 months or more shall be removed and customers will not be required to pay bills generated from these meter readings beyond the 6-month period from the date the meter malfunction occurred. This rule does not alter the provisions of R 460.3613 governing the testing and replacement of electric meters and R 460.2353 governing the replacement of gas meters.

(3) Overcharges and undercharges due to gas meter errors and electric meter errors shall be reconciled in accordance with the provisions of R 460.2364 of the technical standards for gas service and the provisions of R 460.3403 of the regulations governing technical standards for electric service, respectively.

(4) A utility may assess a meter relocation charge in any of the following situations:

(a) The utility shut off service by disconnection at the street or pole because the utility could not obtain access to the meter.

(b) The customer or another responsible adult refused to permit the utility access to the meter on 2 separate occasions, or on a single occasion if harm is threatened, and the utility can produce documentation of requests for access and/or requests for the customer to perform a meter reading that were refused.

(c) The utility shut off service due to unauthorized use of utility service or the customer acknowledges personal responsibility and the utility bills the customer for unauthorized use of utility service.

(d) The customer requests that the utility relocate the meter.

(5) If the utility moves the meter for reasons other than the reasons listed under subrule (4) of this rule, and the customer wants the meter placed in a different location than that selected by the utility, then the customer shall pay any additional costs.

## PART 5. BILLING AND PAYMENT STANDARDS

R 460.117 Billing frequency; method of delivery.

Rule 17. (1) A utility shall send a bill each billing month to its customers in accordance with approved rate schedules unless the utility and the customer agree to another billing interval. A utility shall send a bill to customers by mail unless the utility and the customer agree to another method of delivery. A utility that is authorized to seasonally bill customers or to use a customer read system shall send a bill in accordance with the tariffs approved by the commission.

(2) The customer may designate a third party to receive bills, shutoff notices, or other communications from the utility on the customer's behalf if the customer submits a document signed by the customer and the designated third party to the utility. The receipt of bills by a third party does not make that party responsible for the bills unless the third-party recipient is a guarantor under R 460.112.

(3) Customers who use online billing and payment shall have the same rights and responsibilities as customers who use paper bills and payment by US mail.

R 460.118 Equal monthly billing.

Rule 18. Upon customer request, a utility shall bill a customer with a satisfactory payment history under an equal monthly billing program, if the commission finds that the billing program assures reasonable billing accuracy. If a customer has a credit balance of more than \$10.00 at the end of the program year, upon the request of the customer, the utility shall either return the credit balance or credit it to the next month's bill. If the balance is less than \$10.00, the utility shall credit the amount to the customer's account.

R 460.119 Cycle billing.

Rule 19. A utility may use cycle billing if each customer receives a bill on or about the same day of each billing month. If a utility changes meter reading routes or schedules by more than 7 days, it shall provide notice to affected customers at least 10 days before making the change.

R 460.120 Payment of bill.

Rule 20. (1) A utility shall permit each customer a period of not less than 21 days from the date the bill was sent to pay in full, unless the customer specifically designates a different payment date. A utility shall not withdraw funds from a customer account before the due date in cases where a customer uses an automatic bill payment plan unless the customer agrees to a different period.

(2) A utility shall not attempt to recover from any customer any outstanding bills or other charges due upon the account of any other person, unless that customer has entered into a lawful guarantee under R 460.112, or another lawful agreement to pay those bills and charges.

(3) The customer has the right to pay any delinquent bill at anytime prior to disconnection in order to preserve uninterrupted service. After proper notice of shutoff under R 460.138 and R 460.141 has been provided, it shall be the customer's responsibility to contact the utility and arrange payment before disconnection.

(4) The utility may authorize payment agents to accept payments on behalf of the utility. The authorized agents shall accept payment and provide payment verification, without request, that may be used by the customer to verify payment with the utility. The payment verification shall clearly state that the payment may not be credited to the customer's account for up to 2 business days. The payment

verification shall also clearly state any charges or fees for use of the payment agent services. The agent shall remit payments to the utility every other business day, at minimum, and the company shall credit those payments to customer accounts within 1 business day of receiving them from the payment agent. Payment agent locations shall be clearly marked as “Authorized Payment Agent for [Company]”. The utility shall provide information on bills every 6 months warning customers not to use unauthorized payment centers.

(5) A combination utility company shall permit eligible low-income customers, as defined by these rules, to designate how partial payments shall be applied to their account. In the event of disconnection or pending disconnection of both gas and electric services, the utility shall provide the eligible low-income customer with an accounting of the customer’s current gas and electric charges and shall give the customer the option of restoring one or both services with the appropriate payment.

(6) Whenever an eligible low-income customer of a combination utility company receives a disconnect notice, the notice shall clearly show the customer has both of the following options:

- (a) An extended payment plan for both gas and electric service.
- (b) An extended payment plan to retain either gas or electric service as chosen by the customer.

#### R 460.121 Payment period.

Rule 21. (1) The date a bill is sent is the date the utility transmits the billing information to the customer. If the last day for payment falls on a Sunday, legal holiday, or other day when the offices the utility regularly uses for the payment of customers’ bills are not open to the general public, the payment date shall be extended through the next business day.

(2) If a customer fails to make full payment by the due date, the utility may begin to implement its collection practices including the use of automated telephone calls reminding the customer or a third party designated under R 460.117(2) that the bill is past due. Neither the utility nor its agents shall make more than 1 call per day to a specific customer or third party in which contact is made with the customer or third party.

#### R 460.122 Allowable charges.

Rule 22. (1) Except as otherwise provided by statute, a utility shall bill each customer for the amount of natural gas or electricity consumed and any other approved charges in accordance with the rates and tariffs approved by the commission.

(2) A utility may assess a late payment charge that is not more than 2%, not compounded, of the portion of the bill, net of taxes, that is delinquent. A utility shall not assess a late payment charge against a customer whose payments are made by the department of human services or who is participating in a shutoff protection program described in Part 9 of these rules.

(3) A utility may not charge a late payment fee for failure to pay an estimated bill by the due date unless the customer is subsequently delinquent on a bill using an actual read. This rule shall not apply if the bill is estimated because the utility was unable to gain access to the meter, the utility’s lack of access is documented, and the customer refused to provide an actual meter reading.

#### R 460.123 Bill information.

Rule 23. (1) A bill that is transmitted by a utility shall state clearly all of the following information:

(a) The beginning and ending meter readings and dates for the billing period. A customer reading his or her own meter shall be encouraged, but not required, to provide this information. The provisions of this rule do not apply if the information is not provided by the customer.

(b) The units of energy consumed during the billing period and the units of energy consumed during the comparable period the prior year. Upon customer request, the utility shall provide weather-adjusted consumption data to the customer or to a third-party designated by the customer.

- (c) A designation of the rate.
- (d) The due date.
- (e) Any previous balance.
- (f) The amount due for energy usage.
- (g) The amount due for other authorized charges.
- (h) The amount of tax.
- (i) The total amount due.
- (j) That the rate schedules, the explanation of rate schedules, and the explanation of how to verify the accuracy of the bill will be provided by the company upon request.
- (k) That the customer should contact the company regarding an inquiry or complaint about the bill before the due date.
- (l) The address and telephone number of the utility at which the customer may initiate any inquiry or complaint regarding the bill or the service provided by the utility.
- (m) That the utility is regulated by the Michigan public service commission.
- (2) A commission-regulated utility proposing a new bill format shall submit its proposed bill format to the commission staff prior to introduction to its customers.
- (3) Any utility wishing to issue billing statements online shall comply with each of the following requirements:
  - (a) A customer shall not be required to use online billing.
  - (b) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills or customer information online.
  - (c) The online billing statement shall include, at minimum, all information listed in subrule (1) of this rule.
  - (d) The company shall maintain a secure and encrypted site to be accessed by the customer of record after completing the secure registration process.
  - (e) The utility may require that the customer use a password or security question to access the online billing system. The company shall not require the customer to use his or her social security number to enroll in or access the billing system.
  - (f) Any fees to accept online payments shall be clearly displayed in the payment window.
  - (g) Any payment made online shall be treated as a payment to the company business office.
  - (h) Use of the online system shall not restrict the customer in using other payment methods. All other payment methods shall continue to be available to the customer.

R 460.124 Separate bills.

Rule 24. (1) A utility shall transmit a separate bill in conformity with the provisions of R 460.123 for service provided at each service location and shall not combine 2 or more accounts without written authorization of the customer.

(2) Notwithstanding the provisions of subrule (1) of this rule, if there is shutoff or termination of service at a separate residential metering point, residence, or location in accordance with these rules, then a utility may transfer an unpaid balance to any other residential service account of the customer. The utility must have valid identification data that shows the customer is the same at both residences and must present that data to the customer upon request.

(3) Whenever a utility consolidates accounts under subrule (2) of this rule, the utility shall provide the customer with a written notice for the consolidation, the commission rule that allows the consolidation, and the process for refuting the action.

R 460.125 Billing for non-tariff services.

Rule 25. A utility may include charges for unregulated services, such as appliance repair or appliance protection programs, together with charges for gas and electric service on the same monthly bill if the charges for the unregulated services are designated clearly and separately from the charges for the gas or electric service and it is noted that it is an unregulated service. Failure to pay for unregulated service charges may result in the termination of that service but not the termination of the gas or electric service. If partial payment is made, the utility shall first credit payment to the balance outstanding for gas or electric service in accordance with the provisions of R 460.120(5) and R 460.120(6) where applicable.

R 460.126 Billing error.

Rule 26. (1) If a utility overcharges a customer due to a billing error, the utility shall refund or credit the amount of the paid overcharge plus 7% APR interest on the bill immediately following the discovery of the error. Upon customer request, overcharges greater than \$10 shall be refunded within 30 days. A utility is not required to adjust, refund, or credit an overcharge plus 7% APR interest for more than the 3 years immediately preceding discovery of the billing error, unless the customer is able to establish an earlier date for commencement of the error. The interest on the overcharge shall be applied on the 60<sup>th</sup> day following the paid overcharge.

(2) If a utility undercharges a customer, the following provisions apply:

(a) In cases that involve unauthorized use of utility service the utility may backbill the customer for the amount of the undercharge using the commission-approved process for estimating the bill. The utility may charge fees for unauthorized use of utility service in accordance with commission-approved tariffs.

(b) In cases that do not involve unauthorized use of utility service, the utility may backbill the customer for the amount of the undercharge during the 12-month period immediately preceding discovery of the error, and the utility shall offer the customer reasonable payment arrangements for the amount of the backbill, which shall allow the customer to make installment payments over a period at least as long as the period of the undercharge. The utility shall take into account the customer's financial circumstances when setting payment amounts.

## PART 6. VOLUNTARY TERMINATION OF SERVICE

R 460.127 Voluntary termination.

Rule 27. (1) Subject to the provisions of these rules, a utility customer or authorized representative shall do all of the following:

(a) Notify the utility in person, or by telephone, in writing, by fax or on the internet at least 10 business days prior to requested service termination.

(b) Allow access to the utility, if necessary, to perform a final meter read.

(c) Provide an address for final billing at the time of request for a final read.

(2) The utility shall do both of the following:

(a) Provide a final actual meter reading within 10 business days of the request for termination or estimate the final reading and offer the customer the option to provide an actual meter reading. If the meter is not read within the 10-day time frame the utility shall document the reason for no actual reading. An actual meter reading shall be obtained by the next normal reading cycle.

(b) Schedule the customer's final reading within a 4-hour time frame if the utility cannot access the meter.

## PART 7 UTILITY PROCEDURES

R 460.128 Applicability.

Rule 28. These procedures apply to all customer inquiries, service requests, and complaints that are made to a utility regarding residential utility service and charges.

R 460.129 Complaint procedures.

Rule 29. (1) A utility shall establish procedures that will ensure the prompt, efficient, and thorough receipt, investigation, and, where possible, resolution of all customer inquiries, service requests, and complaints and report the resolution of commission-referred complaints to the commission staff.

(2) A utility shall make reasonable attempts to contact the customer within 2 business days, after referral of a customer's complaint from the commission, and will develop and report to the commission within 10 days after referral its plan for resolution of the complaint.

(3) A utility shall provide customers who are not satisfied with the utility's resolution of a complaint or inquiry with the toll-free telephone number and internet address of the commission.

(4) A utility shall obtain commission approval of any substantive changes in its procedures.

R 460.130 Personnel procedures.

Rule 30. A utility shall establish personnel procedures that, at a minimum, ensure all of the following:

(a) That qualified personnel are available and prepared at all times during normal business hours to receive and respond to all customer inquiries, service requests, and complaints. A utility shall make the necessary arrangements to ensure that customers who are unable to communicate in the English language receive prompt and effective assistance.

(b) That qualified personnel who are responsible for, and authorized to enter into, written settlement agreements on behalf of the utility are available at all times during normal business hours to respond to customer inquiries and complaints.

(c) That qualified personnel are available at all times to receive and respond to customer contacts regarding any shutoff of service and emergency conditions that occur within the utility's service area.

(d) That the names, addresses, and telephone numbers of personnel who are designated and authorized to receive and respond to the requests and directives of the commission regarding customer inquiries, service requests, and complaints during business hours are current and on file with the commission. The utility shall also provide a contact for emergency situations that may arise after business hours.

R 460.131 Publication of procedures.

Rule 31. (1) A utility shall prepare a pamphlet that, in easily understood terms, summarizes the rights and responsibilities of its customers in accordance with these rules and other applicable provisions of statutes, rules, and tariffs.

(2) A utility shall display the pamphlet prominently at all utility office locations open to the general public and make it available to customers. A utility shall also make the information available on its website. A utility shall transmit the pamphlet to each new customer upon the commencement of service and shall provide it at all times upon request. Where substantial revisions to or new information required by the provisions of subrule (3) of this rule occur, the utility shall provide the changes to all current customers by a bill insert, revised pamphlet, or by publication in a periodical that is sent to all current customers of the utility and to the commission. The form of this transmittal shall be at the discretion of the utility.

(3) The pamphlet or other publication shall contain all of the following information:

(a) Billing procedures and estimation standards.

(b) Methods for customers to verify billing accuracy.

(c) An explanation of the power supply cost recovery or gas cost recovery procedures.

(d) Customer payment standards and procedures.

(e) Security deposit and guarantee standards.

(f) Shutoff and restoration of service procedures.

(g) Inquiry, service, and complaint procedures.

(h) Procedures for terminating service.

(4) Each pamphlet shall indicate conspicuously that the pamphlet is provided in accordance with the rules of the commission.

R 460.132 Access to rules and rates.

Rule 32. (1) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days of commencing service, within 60 days after issuance of a new rate case order, and at least once each year, the following information with a copy to the commission:

(a) A clear and concise explanation of all rates for which that customer may be eligible.

(b) A notice that complete rate schedules are available upon request.

(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.

(2) A rural electric cooperative shall provide to each customer, at least annually, all of the following information:

(a) A notice that complete rate schedules are available upon request.

(b) A notice that a clear and concise explanation of all rates for which that customer may be eligible is available upon request.

(c) A notice of the availability of company assistance in determining the most appropriate rate if the customer is eligible to receive service under more than 1 rate.

(3) A utility, except for a rural electric cooperative, shall provide to each customer, within 60 days after the utility has filed a general rate case application with the commission, all of the following information:

(a) A notice that the utility has requested that the commission change its rates.

(b) A notice that copies of the utility's application are available for inspection at all offices of the utility and on a website.

(c) A notice that an explanation of the proposed changes to the utility's rates is available from the utility upon request.

(4) A rural electric cooperative shall provide to each customer, within a reasonable time after it has filed a general rate case application or a times interest earned ratio ratemaking application, all of the following information:

(a) A notice that the cooperative has requested that the commission change its rates.

(b) A notice that copies of the cooperative's application are available for inspection at all offices of the cooperative.

(c) A notice that an explanation of the proposed changes to the cooperative's rates is available from the cooperative upon request.

(5) A utility, including a rural electric cooperative, shall provide the notice required by the provisions of this rule either through a publication that is transmitted to each of its customers, by a bill insert, or whatever transmission method is used to provide the customer's bill and on its website.

(6) A utility shall keep on file, at all offices of the utility, and shall provide public access to, all of the following documents:

(a) A copy of these rules.

(b) A copy of all other rules of the utility filed with the commission regarding customer service.

(c) Schedules of all residential rates and charges.

(d) Proposed rate schedules.

(e) Clear and concise explanations of both existing and proposed rate schedules.

(f) An explanation of its power supply cost recovery or gas cost recovery process.

(7) A utility shall post suitable signs in conspicuous locations at all bill payment offices that are operated by the utility or authorized agents calling attention to the fact that the rules, regulations, rate

schedules, proposed rate schedules, explanations of rate schedules, and explanations of proposed rate schedules are on file and available for inspection. Upon request, a utility shall provide a copy of these rules, explanations, or schedules to a customer without charge.

R 460.133 Reporting requirements.

Rule 33. A utility shall file with the commission each year by October 1, a report that contains detailed information concerning all of the following:

- (a) The payment performance of its customers in relation to established due and payable periods.
- (b) The number and general description of all complaints registered with the utility.
- (c) The number of shutoff notices issued by the utility and the reasons for the notices.
- (d) The number of hearings held by the utility, the types of disputes involved, and the number of complaint determinations issued.
- (e) The number of written settlement agreements entered into by the utility.
- (f) The number of shutoffs of service and the number of reconnections.
- (g) Any other customer service quality information requested by the commission staff.

R 460.134 Inspection.

Rule 34. A utility shall permit authorized staff of the commission to inspect all of the utility's operations that relate to customer service.

R 460.135 Customer access to consumption data.

Rule 35. A utility shall provide to each customer, upon request, a clear and concise statement of the customer's actual energy usage, and/or weather adjusted consumption data for each billing period during the last 12 months. A utility shall notify its customers at least once each year by whatever method is used to transmit the customers' bills, that a customer may request energy usage and weather adjusted consumption data.

## PART 8. PROCEDURES FOR SHUTOFF AND RESTORATION OF SERVICE

R 460.136 Emergency shutoff.

Rule 36. Notwithstanding any other provision of these rules, a utility may shut off service temporarily for reasons of health or safety or in a state or national emergency. When a utility shuts off service for reasons of health or safety, the utility shall leave a notice at the premises in accordance with the provisions of R 460.139(a), (b), and (i).

R 460.137 Shutoff permitted.

Rule 37. Subject to the requirements of these rules, a utility may shut off or terminate service to a residential customer for any of the following reasons:

- (a) The customer has not paid a delinquent account that accrued within the last 6 years.
- (b) The customer has failed to provide a deposit or guarantee permitted by these rules.
- (c) The customer has engaged in unauthorized use of utility service.
- (d) The customer has failed to comply with the terms and conditions of a settlement agreement.
- (e) The customer has refused to arrange access at reasonable times for the purpose of inspection, meter reading, maintenance, or replacement of equipment that is installed upon the premises, or for the removal of a meter.
- (f) The customer misrepresented his or her identity for the purpose of obtaining utility service or put service in another person's name without permission of the other person.
- (g) The customer has violated any rules of the utility approved by the commission so as to adversely

affect the safety of the customer or other persons or the integrity of the utility system.

(h) A person living in the customer's residence is both of the following:

(i) Has a delinquent account for service with the utility within the past 3 years that remains unpaid and is not in dispute.

(ii) The customer lived in the person's residence when all or part of the debt was incurred. The utility may transfer a prorated amount of the debt to the customer's account, based upon the length of time that the customer resided at the person's residence. This provision does not apply if the customer was a minor while living in the person's residence.

R 460.138 Notice of shutoff.

Rule 38. (1) A utility shall not shut off service pursuant to the provisions of R 460.141 or R 460.142 unless it sends a notice to the customer by first-class mail or personally serves the notice not less than 10 days before the date of the proposed shut off. The utility shall send notice to the account name and address and to the address where service is provided if the service address is different and the notice can be delivered at that address. A utility shall maintain a record of the date the notice was sent.

(2) A utility shall permit a customer to designate a consenting individual or agency to receive a copy of a notice of shutoff.

(3) Not less than 30 days before the proposed shutoff of service to a single-metered dwelling that is used as a residence for 3 or more separate households, a utility shall transmit a notice to each dwelling unit that indicates that the customer of record, the landlord, has failed to pay an outstanding bill and is subject to shutoff of service on or after a specified date.

R 460.139 Form of notice.

Rule 39. A notice of shutoff of service shall contain all of the following information:

(a) The name and address of the customer, and the address at which service is provided, if different.

(b) A clear and concise statement of the reason for the proposed shutoff of service.

(c) The date on or after which the utility may shut off service, unless the customer takes appropriate action.

(d) That the customer has the right to enter into a settlement agreement with the utility if the claim is for an amount that is not in dispute and the customer is presently unable to pay in full.

(e) That the customer has the right to file a complaint disputing the claim of the utility before the proposed date of the shutoff of service.

(f) That the customer has the right to request a hearing before a hearing officer if the customer disputes the reasonableness of the settlement agreement offered by the utility or if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 10 business days of the date that the customer requests a hearing.

(g) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.

(h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility or the commission in accordance with these rules.

(i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.

(j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for an energy assistance program or other emergency economic assistance and should inform the utility of any efforts being made to obtain payment assistance.

(k) That customers who believe they may be eligible for assistance from an energy assistance program should determine if assistance is available before signing a settlement agreement because many agencies will not provide assistance if shutoff is avoided by signing a settlement agreement.

(l) That the utility will postpone the shutoff of service if a certified medical emergency exists at the customer's residence or the customer is an eligible low-income customer who is actively seeking emergency assistance from an energy assistance program.

(m) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of a delinquent account or for unauthorized use of utility service.

(n) That the customer should contact the utility for information about a shutoff protection program.

#### R 460.140 Time of shutoff.

Rule 40. (1) Subject to the requirements of these rules, a utility may shut off service to a customer on the date specified in the notice of shutoff or at a reasonable time following that date. If a utility does not shut off service and mails a subsequent notice, then the utility shall not shut off service before the date specified in the subsequent notice. Shutoff shall occur only between the hours of 8 a.m. and 4 p.m.

(2) A utility shall not shut off service on a day, or a day immediately preceding a day, when the services of the utility are not available to the general public for the purpose of restoring service and shall not shut off service on a Friday during the space heating season to a customer who has defaulted on a shutoff protection program under Part 9 of these rules.

#### R 460.141 Manner of shutoff.

Rule 41. (1) For an involuntary shutoff, at least 1 day before shutoff of service, the utility shall make not less than 2 attempts to contact the customer by telephone, if a telephone number is available to the utility, to advise the customer of the shutoff and what steps the customer must take to avoid shutoff. If the utility uses an automated notification system, it shall document the process for ensuring that at least 2 attempts are made to notify the customer of the pending shutoff. If the telephone number is not available, the customer has no telephone, or the telephone contacts are not made, the utility shall either leave a notice at the premises advising the customer that service will be shutoff on or after the next business day or send notice by first-class mail postmarked at least 5 business days before shutoff of service is scheduled. The utility shall document all attempts to contact the customer.

(2) Immediately preceding the shutoff of service, an employee of the utility who is designated to perform that function may identify himself or herself to the customer or another responsible person at the premises and may announce the purpose of his or her presence.

(3) The employee shall have in his or her possession a copy of the delinquent account of the customer and request any available verification that the outstanding claims have been satisfied or are currently in dispute. Unless the customer presents evidence that reasonably indicates that the claim has been satisfied or is currently in dispute, the employee may shut off service.

(4) The employee may be authorized to accept payment and shall not shut off service if the customer offers payment in full, together with a commission-approved collection charge for sending the employee to the premises, if provided in the utility's schedule of rates and tariffs.

(5) The customer may pay in any reasonable manner, including by personal check or by credit or debit card. Payment by personal check, credit or debit card is not reasonable if the customer has paid with a personal check, credit or debit card within the last 12 months and at least 1 check has been returned for insufficient funds or no account, or at least 1 credit or debit card payment has been denied excluding financial institution error.

(6) After notice has been provided in accordance with subrule (1) of this rule, and if the customer does not respond, the employee may shut off service.

(7) When the utility employee shuts off service, the employee shall leave a notice in a conspicuous place upon the premises. For all forms printed after the effective date of these rules, the notice shall state that service has been shut off, the address and telephone number of the utility where the customer may

arrange to have service restored, and that any efforts by the customer to restore his or her own service are unlawful and dangerous.

R 460.142 Manner of shutoff for service provided with remote shutoff and restoration capability.

Rule 42. (1) For an involuntary shutoff, at least 1 day before shutoff of service, the utility shall make at least 2 attempts to contact the customer by telephone, if a telephone number is available to the utility, to advise the customer of the pending shutoff and what steps the customer must take to avoid shutoff. If the utility uses an automated notification system, it shall document the process for ensuring that at least 2 attempts are made to notify the customer of the pending shutoff. If the telephone number is not available, the customer has no telephone, or the telephone contacts are not made, the utility shall either leave a notice at the premises advising the customer that service will be shutoff on or after the next business day or send notice by first-class mail postmarked at least 5 business days before shutoff of service is scheduled. The notice shall conspicuously state that the disconnection of service will be done remotely and that a utility representative will not return to the premises before disconnection. The utility shall document all attempts to contact the customer.

(2) If the utility contacts the customer or other responsible person in the customer's household by telephone on the day service is to be shutoff, the utility shall inform the customer or other responsible person that shutoff of service is imminent and the steps necessary to avoid shutoff. Unless the customer presents evidence that reasonably demonstrates that the claim is satisfied or is in dispute, or the customer makes payment, the employee may shutoff service.

(3) If the utility mailed the notice of shutoff to the customer as provided in subrule (1) of this rule, and if telephone contact with the customer cannot be made or if the customer did not respond to the notice provided in accordance with subrule (1) of this rule, no further customer contact is required on the day service is to be shutoff and the utility may shutoff service.

R 460.143 Shutoff prohibited.

Rule 43. A utility shall not shut off service for any of the following reasons:

(a) The customer has not paid for items, such as merchandise, appliances, or services that are not approved by the commission as an integral part of the utility service that is provided by the utility.

(b) The customer has not paid for concurrent service received at a separate metering point, residence, or location.

(c) The customer has not paid for a different class of service received at the same or a different location. The placing of more than 1 meter at the same location for the purpose of billing the usage of specific residential energy-using devices under optional rate schedules or provisions is not a different class of service for the purposes of this rule.

(d) The customer, such as a landlord, has not paid for service used by another person, such as a tenant. A utility may shutoff service, however, in any of the following circumstances where proper notice has been given:

(i) If the customer supplies a written, notarized statement that the premises are unoccupied.

(ii) If the premises are occupied and the occupant agrees, in writing, to the shutoff of service.

(iii) If it is not feasible to provide service to the occupant as a customer without a major revision of existing distribution facilities. Where it is feasible to provide service, the utility shall offer the occupant the opportunity to subscribe for service in his or her own name. If the occupant refuses, the utility may shut off service pursuant to these rules.

(e) A customer, the spouse of a customer or a customer with a spouse who is called to full-time active military service by the president of the United States or the governor of Michigan during a time of declared national or state emergency or war, except as otherwise provided in R 460.150.

R 460.144 Restoration of service.

Rule 44. (1) After a utility has shut off service, it shall restore service promptly upon the customer's request when the cause has been cured or credit arrangements satisfactory to the utility have been made.

(2) When a utility is required to restore service at the customer's meter manually, the utility shall make every effort to restore service on the day the customer requests restoration. Except for reasons beyond its control, the utility shall restore service not later than the first working day after the customer's request.

(3) For utilities using meter technology with remote shutoff and restoration capability, service shall be restored on the day the customer requests restoration, except in the case of documented equipment failure.

(4) The utility may assess the customer a charge, including reasonable costs, for restoring service and relocating the customer's meter as specified in the utility's approved schedule of rates and tariffs.

PART 9. ENERGY ASSISTANCE AND SHUTOFF PROTECTION PROGRAMS

R 460.145 Listing of energy assistance programs.

Rule 45. The commission shall provide a listing of all federal and state energy assistance programs and the eligibility requirements of each program to all utilities.

R 460.146 Notice of energy assistance programs.

Rule 46. (1) A utility shall annually inform each customer of the following information:

(a) The federal and state energy assistance programs that are available and the eligibility requirements of the programs, as provided to the utility by the commission.

(b) The medical emergency provisions of R 460.147.

(c) The shutoff protection programs described in the provisions of R 460.148 and R 460.149.

(d) The military shutoff protections of R 460.150.

(2) The utility shall provide the information required by the provisions of subrule (1) of this rule to residential customers. The information in subrule (1) of this rule may be explained on the customer's bill, or provided as a bill insert, or other transmittal. This information shall also be posted on the company's website. If the utility does not print an explanation on the customer's bill, then the utility shall, on the customer's bill, direct the customer to the bill insert or other transmittal.

(3) If additional information regarding energy assistance programs becomes available after the utility's initial notice to customers, the commission shall provide that information to all utilities. Within 60 days of receiving the information, the utility shall provide the new eligibility requirements or benefits levels for energy assistance programs to all of its customers and the new benefit levels to all customers currently enrolled in the programs.

(4) When a customer receives a past-due notice from the utility, the utility shall provide the customer access to information about energy assistance programs referenced in subrules (1) and (3) of this rule, which shall, at minimum, include a telephone number of a utility representative able to provide this information.

R 460.147 Medical emergency.

Rule 47. Notwithstanding any other provision of these rules, a utility shall postpone the shutoff of service for not more than 21 days if the customer or a member of the customer's household is a critical care customer or has a certified medical emergency as defined in R 460.102. The certificate shall identify the medical condition, any medical or life supporting equipment being used, and the specific time period during which the shutoff of service will aggravate the medical emergency. The utility shall extend the postponement for further periods of not more than 21 days, not to exceed a total

postponement of shutoff of service of 63 days, only if the customer provides additional certificates. If shutoff of service has occurred without any postponement being obtained, the utility shall unconditionally restore service for not more than 21 days, and shall continue the restoration for further periods of not more than 21 days, not to exceed a total restoration of service of 63 days in any 12-month period per household member. Annually, a utility shall not be required to grant shutoff extensions totaling more than 126 days per household.

R 460.148 Winter protection plan for low-income customers.

Rule 48. (1) Except where unauthorized use of utility service has occurred, a utility shall not shut off service to an eligible low-income customer during the space heating season for nonpayment of a delinquent account if the customer pays to the utility a monthly amount equal to 7% of the estimated annual bill for the eligible customer and the eligible customer demonstrates, within 14 days of requesting shutoff protection, that he or she has made application for state or federal heating assistance. If an arrearage exists at the time an eligible low-income customer applies for protection from shutoff of service during the space heating season, the utility shall permit the customer to pay the arrearage in equal monthly installments between the date of application and the start of the subsequent space heating season.

(2) A utility may shut off service to an eligible low-income customer who does not pay the monthly amounts referred to in subrule (1) of this rule after giving notice in the manner required by these rules. The utility is not required to offer a settlement agreement to an eligible low-income customer who fails to make the monthly payments referred to in subrule (1) of this rule.

(3) If an eligible low-income customer fails to comply with the terms and conditions of this rule, a utility may shut off service after giving the customer notice, by personal service or first-class mail, which contains all of the following information:

(a) The eligible low-income customer has defaulted on the winter protection plan.

(b) The nature of the default.

(c) That unless the customer makes the payments that are past due under this rule within 10 days of the date of mailing, the utility may shut off service.

(d) The date on or after which the utility may shut off service, unless the customer takes appropriate action.

(e) That the customer has the right to file a complaint disputing the claim of the utility before the date of the proposed shutoff of service by calling the company.

(f) That the customer has the right to request a hearing before a hearing officer if the complaint cannot be otherwise resolved and that the customer must pay to the utility that portion of the bill that is not in dispute within 7 business days of the date that the customer requests a hearing.

(g) That the customer has the right to represent himself or herself, to be represented by counsel, or to be assisted by other persons of his or her choice in the complaint process.

(h) That the utility will not shut off service pending the resolution of a complaint that is filed with the utility or the commission in accordance with these rules.

(i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.

(j) That the customer should contact a social services agency immediately if the customer believes he or she might be eligible for emergency economic assistance.

(k) That the utility will postpone shutoff of service if a medical emergency exists at the customer's residence and the customer provides the documentation as specified in R 460.147.

(l) That the utility may require a deposit and restoration charge if the utility shuts off service for nonpayment of winter protection monthly amounts.

(m) That the utility will not shut off service if the customer or the spouse of the customer is on active military duty.

(4) At the conclusion of the space heating season, the utility shall reconcile the accounts of eligible low-income customers and permit customers to pay any amounts owing in equal monthly installments between April 1 and October 31. A utility may shut off service to eligible customers who fail to make installment payments on a timely basis in the manner required by these rules.

(5) Except where unauthorized use of utility service has occurred at a customer's premises within the past 2 years and the bill remains unpaid, during the space heating season a utility shall not require an eligible low-income customer, whose utility service has been shut off, to pay a fee for restoring service or a security deposit pursuant to the provisions of R 460.109 or R 460.110, before applying for protection under this rule.

(6) Except where unauthorized use of utility service has occurred within the past 2 years at the premises where the customer has resided and the bill remains unpaid or safety is a concern, a utility may not require an amount greater than 1/12 of an arrearage owed in order to restore service or initiate participation in the winter protection plan

(7) Winter protection provisions of these rules do not apply to customers who have been shut off or who have a pending shutoff for unauthorized use of utility service within the past 2 years at the customer's current premises until all charges are paid in accordance with these rules or satisfactory payment arrangements are made with the utility.

(8) Upon request, the utility shall provide customers who enroll in the winter protection program with documentation that they are participating in the program.

(9) Bills issued to customers participating in the winter protection program shall clearly identify the minimum amount that the customer must pay to prevent shutoff of service. Utilities may bill at higher amounts to recover past due amounts and the utility may encourage customers to pay amounts in excess of the minimum provided that the minimum payment is clearly designated on the bill.

(10) Subject to prior commission approval, a utility may offer an optional shutoff protection program to its customers, provided that the optional shutoff protection program offers eligibility and shutoff protection that meets or exceeds the eligibility criteria and customer protections contained in subrule (1) of this rule.

#### R 460.149 Winter protection plan for senior citizens.

Rule 49. (1) A utility shall not shutoff service to an eligible senior citizen customer during the space heating season.

(2) At the customer's request, a utility shall restore service to an eligible senior citizen customer during the space heating season without payment of the amount due, deposits, reconnection fees, or other charges.

(3) At the conclusion of the space heating season, the utility shall reconcile the accounts of eligible senior citizen customers and permit them to pay any amounts owing in equal monthly installments between April 1 and October 31.

#### R 460.150 Military protections.

Rule 50. (1) The utility shall not shutoff service to an eligible military customer for a period of 90 days. The utility shall continue to provide shutoff protection for at least one additional 90-day period as long as the customer meets all of the conditions for an eligible military customer and requests the utility to do so. After the close of the last 90-day period, the utility shall require the customer to pay any past due amounts in equal monthly payments over a period of up to 12 months.

(2) The utility shall provide the eligible military customer with information on payment assistance programs.

*PART 10. DISPUTED CLAIM, HEARING AND SETTLEMENT AGREEMENT*

R 460.151 Disputed claim.

Rule 51. (1) If a customer advises a utility, or if the utility is notified by a regulation officer on behalf of a customer, before the date of the proposed shutoff of service that all or part of a bill is in dispute, then the utility shall do all of the following:

- (a) Immediately record the date, time, and place the customer made the complaint and transmit verification to the customer.
  - (b) Investigate the dispute promptly and completely.
  - (c) Advise the customer of the results of the investigation.
  - (d) Attempt to resolve the dispute informally in a manner that is satisfactory to both parties.
  - (e) Provide the opportunity for the customer to settle the disputed claim or to satisfy any liability that is not in dispute.
- (2) A customer may advise a utility that a claim is in dispute in any reasonable manner, such as by written notice, in person, by a telephone call directed to the utility, or through a regulation officer.
- (3) A utility, in attempting to resolve the dispute, may employ telephone communication, personal meetings, on-site visits, or any other method that is reasonably conducive to obtaining a settlement.

R 460.152 Utility hearing and hearing officers.

Rule 52. (1) If the parties are unable to resolve the dispute, the utility shall offer the customer the opportunity for an informal hearing before a hearing officer selected from a list of hearing officers filed with the commission.

(2) If the customer chooses to have an informal hearing, the customer shall do both of the following:

- (a) Notify the utility within 5 business days of the utility offer for a hearing.
- (b) Pay the amount not in dispute or if the utility and customer cannot agree, pay 50% of the disputed amount not to exceed \$100.

(3) If the customer notifies the utility of the intent to pursue an informal hearing, then the utility shall do both of the following:

- (a) Complete the necessary investigation.
- (b) Schedule the hearing within 10 business days.
- (c) Hold the hearing within 30 business days of the customer's request for a hearing.

(4) If the customer fails to pay the part of the bill that is determined under subrule (2)(b) of this rule within 10 business days of the date that the utility sends the hearing notice, the utility may exercise its right to shut off service pursuant to these rules.

(5) A utility shall select hearing officers on the basis of all of the following:

- (a) They are on the list of hearing officers on file with the commission.
- (b) They shall be notaries public qualified to administer oaths.
- (c) They shall not be engaged in any other activities for or on behalf of the utility.
- (d) They shall comply with part 10 of these rules.

(7) If the dispute is ultimately resolved in favor of the customer, in whole or in part, the utility shall return promptly any excess amount paid by the customer, with interest at the rate specified pursuant to the provisions of R 460.111(7).

R 460.153 Notice of hearing.

Rule 53. (1) The utility shall send or personally serve the customer with written notice of the time, date, and place of the hearing on the day scheduling is determined.

- (2) The notice shall describe the hearing procedures as contained in these rules.
- (3) Notice shall include amount of required payment and due date of 10 business days from the date of notice.

R 460.154 Hearing procedures.

Rule 54. (1) A utility shall establish hearing procedures that, at a minimum, shall be subject to investigation and review by the commission to ensure the impartiality and integrity of the hearing process and that provide the customer and the utility with all of the following rights:

- (a) The right to represent themselves, to be represented by counsel, or to be assisted by persons of their choice.

- (b) The right to examine, not less than 2 business days before a scheduled hearing, a list of all witnesses who will testify and all documents, records, files, account data, and similar material that may be relevant to the issues to be raised at the hearing.

- (c) The right to present evidence, testimony, and oral and written argument.

- (d) The right to question witnesses appearing on behalf of the other party.

- (2) A hearing shall be held during normal business hours. A utility shall take reasonable steps to ensure that a customer who is unable to attend a hearing due to physical incapacity is not denied the right to a hearing. Failure of the customer, or the utility, to attend the hearing without a good reason, or without having requested an adjournment, constitutes a waiver of the right of that party to the hearing.

- (3) The utility has the burden of proof by a preponderance of the evidence.

- (4) All witnesses who appear for either party shall testify under oath.

- (5) A hearing shall be informal and the proceedings need not be recorded or transcribed. All relevant evidence shall be received and the formal rules of evidence shall not apply.

- (6) For each hearing, the hearing officer shall compile a record that contains all of the following:

- (a) A concise statement, in writing, of the position of the utility.

- (b) A concise statement, in writing, of the position of the customer. If the customer has not put his or her position in writing, then the hearing process shall provide a method for accomplishing this writing with the opportunity for proper acknowledgment by the customer.

- (c) Copies of all evidence submitted by the parties.

- (7) At the conclusion of the hearing, the hearing officer may orally state his or her findings, the decision, or adjourn the hearing and inform the parties that the decision will be transmitted within 7 business days. At the request of the customer, the hearing officer shall adjourn the hearing and transmit the decision within 7 business days. In all cases, the hearing officer shall issue a complaint determination in a form that is approved by the commission. The complaint determination shall contain both of the following:

- (a) A concise summary of the evidence and arguments presented by the parties.

- (b) The decision, and the reasons for the decision, of the hearing officer based solely upon the evidence received.

- (8) At the conclusion of the hearing and again upon issuance of the complaint determination, the hearing officer shall advise the customer and the utility of all of the following:

- (a) That each party has a right to make an informal appeal to the commission staff, by mail, telephone, internet, fax, or in person, within 7 business days of issuance of the complaint determination.

- (b) That, if appealed, the decision of the hearing officer, including a finding that service may be shut off, cannot be implemented until a review by the commission staff is completed.

- (c) The address and telephone number where the customer or the utility may make an informal appeal to the commission staff.

- (9) Before issuance of a complaint determination, the hearing officer may propose a settlement to the parties. If both parties accept the settlement, it shall be put in writing and signed by both parties.

(10) Within 7 business days of the conclusion of the hearing, the hearing officer shall serve the parties with all of the following:

- (a) A copy of the complaint determination.
- (b) Appeal information as provided in subrule (8) of this rule.
- (c) If applicable, a copy of the signed settlement agreement.

(11) The complaint determination and a copy of the signed settlement agreement, if any, shall be made part of the hearing record. The hearing officer shall certify the hearing record.

(12) The complaint determination is binding upon the parties, unless appealed, as provided in these rules.

#### R 460.155 Settlement agreement.

Rule 55. (1) If the utility and the customer arrive at a mutually satisfactory settlement of a claim in dispute or if the customer does not dispute liability to the utility, but claims the inability to pay the outstanding bill in full, then a utility shall offer the customer the opportunity to enter into a settlement agreement.

(2) The utility shall confirm the terms of the settlement agreement with the customer and shall send a signed copy of the settlement to the customer or the customer's authorized representative. The utility shall retain documentation of the original settlement agreement for 2 years. In case of a dispute over the terms of a settlement agreement, the utility shall have the burden of proving that the customer understood and accepted the terms of the settlement agreement.

(3) In negotiating a settlement agreement due to the customer's inability to pay an outstanding bill in full, the utility shall not require the customer to pay more than a reasonable amount of the outstanding bill upon signing the agreement and not more than reasonable installments until the remaining balance is paid.

(4) For purposes of determining reasonableness, the parties shall consider all of the following factors:

- (a) The size of the delinquent account.
- (b) The customer's ability to pay.
- (c) The time that the debt has been outstanding.
- (d) The reasons that the customer has not paid the bill.
- (e) The customer's payment history.
- (f) Any other relevant factors concerning the circumstances of the customer.

(5) A settlement agreement that is offered by a utility shall state, immediately preceding the space provided for the customer's signature and in bold print that is not less than 2 sizes larger than any other print that is used on the form:

**"IF YOU ARE SEEKING PAYMENT ASSISTANCE FROM A SOCIAL SERVICE AGENCY, SIGNING THIS AGREEMENT MAY PREVENT YOU FROM GETTING EMERGENCY ASSISTANCE. LET US KNOW IF YOU ARE WORKING WITH AN AGENCY. IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. YOU MAY FILE AN INFORMAL COMPLAINT AND HAVE A HEARING BEFORE A HEARING OFFICER BEFORE YOUR SERVICE MAY BE SHUT OFF. IF YOU DO SIGN THIS AGREEMENT, YOU GIVE UP YOUR RIGHT TO AN INFORMAL HEARING BEFORE A HEARING OFFICER ON ANY MATTER INVOLVED IN THIS DISPUTE EXCEPT THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT. IF YOU HAVE AN UNEXPECTED LOSS OR REDUCTION OF INCOME AFTER THIS AGREEMENT IS SIGNED, YOU MAY REQUEST A REVIEW AND MODIFICATION OF THIS AGREEMENT"**

#### R 460.156 Default of settlement agreement.

Rule 56.(1) If a customer fails to comply with the terms and conditions of a settlement agreement, a utility may shut off service after giving the customer a notice, by personal service or first-class mail, that contains all of the following information:

- (a) That the customer is in default of the settlement agreement.
- (b) The nature of the default.
- (c) That unless the customer pays in full within 10 business days of the date of mailing, the utility may shut off service.
- (d) The date on or after which the utility may shut off service.
- (e) That the customer has a right to request a hearing before a hearing officer selected from a list on file with the commission, only if the customer alleges that the utility has failed or refused to follow the terms of the settlement agreement.
- (f) The address and telephone number where the customer may file the request for a hearing with the utility.

(2) A utility is not required to enter into a subsequent settlement agreement with a customer until he or she has complied fully with the terms of a previous settlement agreement, unless the customer demonstrates a significant change in economic circumstances and requests a modification of the settlement agreement as provided by R 460.155(5).

(3) A utility is not required to enter into a subsequent settlement agreement with a customer who defaulted on the terms and conditions of an agreement within the last 12 months.

(4) If the customer and utility reach a settlement agreement following a notice of shutoff, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days of the agreement constitutes a waiver of the notice required by subrule (1) of this rule. The utility may shut off service after notice as described in the provisions of R 460.138, R 460.139, or R 460.142, if applicable.

R 460.157 Same dispute.

Rule 57. A utility may choose not to respond to a customer complaint or dispute that involves the same question or issue based upon the same facts, and is not required to comply with these rules more than once before shutoff of service. The utility shall provide notice to the customer that the complaint has been dismissed under this rule.

## PART 11. COMMISSION APPEAL PROCEDURES

R 460.158 Informal appeal.

Rule 58. Within 7 business days after a hearing officer issues a written complaint determination, either party may make an informal appeal to the commission staff.

R 460.159 Filing procedures.

Rule 59. (1) A party may make an informal appeal in any reasonable manner. The informal appeal need not be in writing and may be initiated by telephone, by internet, by mail, by fax, or in person at the offices of the commission.

- (2) The appealing party shall provide all of the following information:
  - (a) Name and address of the customer.
  - (b) Name of the utility involved.
  - (c) The nature of the original complaint in a clear and concise manner.
  - (d) The hearing officer's decision.
  - (e) The relief requested.

R 460.160 Informal appeal procedures.

Rule 60. (1) The commission staff shall assign the informal appeal to a regulation officer. The officer shall have all of the following responsibilities:

- (a) Advising the appealing party of the procedures of the commission by telephone or in writing.
- (b) Advising the other party that an informal appeal has been filed.
- (c) Issuing interim determinations as necessary.
- (d) Reviewing or investigating the appeal as provided in these rules.
- (e) Issuing an informal appeal decision.

(2) Upon notification by the commission staff that an informal appeal has been made, the utility shall promptly file, with the commission staff, the certified hearing record. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record. In arriving at the informal appeal decision, the regulation officer shall not be required to receive or consider any additional evidence or information.

(3) In all informal appeals, the utility has the burden of proof by a preponderance of the evidence.

R 460.161 Interim determination.

Rule 61. (1) After receiving the hearing record and pending the final resolution of an informal appeal, the regulation officer may issue an interim determination with appropriate terms and conditions. In the case of an appeal regarding a bill or deposit, the regulation officer may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the shutoff of service as provided in these rules. The regulation officer may consider the amounts that reasonably appear to reflect the cost of utility service in determining the undisputed portion of a claim.

(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing of the interim determination by first-class mail, then the utility may shut off service as provided in these rules.

R 460.162 Appeal review.

Rule 62. The regulation officer shall review the informal appeal thoroughly and, when necessary, conduct further investigation. A party may offer new evidence if the regulation officer determines that it is relevant. When further investigation is necessary, the regulation officer may request additional evidence or, at his or her own initiative, may hold an informal appeal conference with the parties or their representatives at a time and place designated by the officer. If either party fails to appear at the informal conference without a good reason or without having requested an adjournment, the right of the absent party to appear at the conference shall be waived. At an informal appeal conference, the parties may do all of the following:

- (a) Represent themselves, be represented by counsel, or be assisted by other persons of their choice.
- (b) Offer oral and documentary evidence, which may be considered at the discretion of the regulation officer.
- (c) Refute, in a reasonable manner, the evidence of the other party.
- (d) Submit an oral or written statement of position.

R 460.163 Shutoff pending decision.

Rule 63. A utility shall not shut off service or issue a notice of shutoff related to the matter in dispute pending the decision of the commission staff, except pursuant to the terms of an interim determination.

R 460.164 Informal appeal decision.

Rule 64. The regulation officer shall, within 30 days after the utility files the certified record, issue a written informal appeal decision affirming, modifying, or reversing the informal hearing determination. In reversing or modifying the informal hearing determination, the decision shall set forth the terms and

conditions for continued service, shutoff, or a proposed settlement agreement as required by the facts and circumstances. The decision shall state the relevant findings of fact, the reasons for the decision, and remedies for failure to comply with the informal appeal decision. A copy of the informal appeal decision shall be served personally, or by first-class mail, on the parties.

R 460.165 Failure to comply with informal appeal decision.

Rule 65. Failure of either party to comply with the decision within 10 days from the date of service by mailing shall permit implementation of the action or remedy provided by the decision.

R 460.166 Same dispute.

Rule 66. The commission staff may dismiss a subsequent informal appeal that involves the same question or issue based upon the same facts without following every procedure set forth in these rules.

R 460.167 Formal appeal.

Rule 67. Either party may appeal the decision of the regulation officer by filing a formal hearing request in accordance with the rules of practice and procedure before the commission. If a formal hearing request is filed, the terms of the informal appeal decision shall be held in abeyance unless otherwise ordered by the commission or the presiding officer who is assigned to the formal complaint.

R 460.168 Other remedies.

Rule 68. Nothing in these provisions shall be construed to prevent a party from pursuing appropriate legal and equitable remedies at any time.

R 460.169 Scope of rules.

Rule 69. (1) Nothing contained in these rules covering consumer standards and billing practices shall be implemented in a manner that circumvents or is inconsistent with utility rules, orders, or tariffs approved by the commission to ensure the safe and reliable delivery of energy service.

(2) After notice and an opportunity to be heard, utilities determined by the commission to be in violation of these rules shall be subject to all damages and fines contained within the statutes under which these rules are promulgated.

(3) Upon written request of a person, utility, or on its own motion, the commission may temporarily waive any requirements of these rules when it determines the waiver will further the effective and efficient administration of these rules and is in the public interest.

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**ADMINISTRATIVE RULES**

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SOAHR 2007-035

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on October 19, 2007

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of labor and economic growth by sections 14 and 24 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-18, MCL 408.1014, 408.1024, 330.3101, 445.2001, and 445.2011)

R 325.62001, R 325.62002, R 325.62003, R 325.62004, R 325.62005 and R 325.62006 are added to the Michigan Administrative code and O.H. Rule 6301 is rescinded as follows:

**PART 620. VENTILATION CONTROL FOR CONSTRUCTION**

R 325.62001 General.

Rule 1. (1) When hazardous substances such as dusts, fumes, mists, vapors, or gases exist or are produced in the course of construction work, their concentrations shall not exceed the limits specified in occupational health standard Part 601 Air Contaminants for Construction, R 325.60151 to R 325.60161. When ventilation is used as an engineering control method, the system shall be installed and operated according to the requirements of these rules.

(2) These rules replace occupational health rule 6301.

R 325.62002 Availability of referenced document.

Rule 2. Michigan occupational safety and health standard is referenced in these rules. Up to 5 copies of this standard may be obtained at no charge from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: <http://www.michigan.gov/mioshastandards>. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page. The standard includes occupational health standard part 601 air contaminants for construction, R 325.60151 to R 325.60161.

R 325.62003 Local exhaust ventilation.

Rule 3. Local exhaust ventilation when used as described in rule 1 shall be designed to prevent dispersion into the air of dusts, fumes, mists, vapors, and gases in concentrations causing harmful exposure. The exhaust systems shall be so designed that dusts, fumes, mists, vapors, or gases are not drawn through the work area of employees.

R 325.62004 Design and operation.

Rule 4. Exhaust fans, jets, ducts, hoods, separators, and all necessary appurtenances, including refuse receptacles, shall be so designed, constructed, maintained and operated as to ensure the required protection by maintaining a volume and velocity of exhaust air sufficient to gather dusts, fumes, vapors, or gases from the equipment or process, and to convey them to suitable points of safe disposal, thereby preventing their dispersion in harmful quantities into the atmosphere where employees work.

R 325.62005 Duration of operations.

Rule 5. (1) The exhaust system shall be in operation continually during all operations which it is designed to serve. If the employee remains in the contaminated zone, the system shall continue to operate after the cessation of the operations, the length of time to depend upon the individual circumstances and effectiveness of the general ventilation system.

(2) Since dust capable of causing disability is, according to the best medical opinion, of microscopic size, tending to remain for hours in suspension in still air, the exhaust system shall continue in operation for a time after the work process or equipment served by the same ceases, in order to ensure the removal of the harmful elements to the required extent. For the same reason, employees wearing respiratory equipment should not remove it immediately until the atmosphere seems clear.

R 325.62006 Disposal of exhaust materials.

Rule 6. The air outlet from every dust separator, and the dusts, fumes, mists, vapors, or gases collected by an exhaust or ventilating system shall discharge to the outside atmosphere. Collecting systems which return air to work area may be used if concentrations which accumulate in the work area air do not result in harmful exposure to employees. Dust and refuse discharged from an exhaust system shall be disposed of in such a manner that it will not result in harmful exposure to employees.

Rule 6301 Rescinded.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the State Office of Administrative Hearings and Rules.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*

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**PROPOSED ADMINISTRATIVE RULES**

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SOAHR 2006-013

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES ~~LABOR AND ECONOMIC GROWTH~~**

**PUBLIC SERVICE COMMISSION**

**~~SERVICES SUPPLIED~~ TECHNICAL STANDARDS ~~BY FOR~~ ELECTRIC UTILITIES ~~SERVICE~~**

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Draft 9/28/2007

(By authority conferred on the public service commission by section 7 of 1909 PA 106, section 5 of 1919 PA 419, and sections 4 and 6 of 1939 PA 3, MCL 460.557, 460.55, 460.4, and 460.6.)

R 460.3306, R 460.3401, R 460.3402, R 460.3403, R 460.3404, R 460.3406, R 460.3407, R 460.3901, R 460.3902, R 460.3903, R 460.3904, R 460.3905, R 460.3906, R 460.3907 and R 460.3908 of the Michigan Administrative Code are rescinded, R 460.3102, R460.3308, R 460.3602, R 460.3605, R 460.3607, R 460.3609, R 460.3610, R 460.3612, and R 460.3613 of the Code are amended, and R 460.3204 and R 460.3309 are added to the Code as follows:

R 460.3102 Definitions.

Rule 102. As used in these rules:

- (a) "Acceptable to the commission" means that a commission order has been obtained.
- (b) "Approved by the commission" means that a commission order has been obtained.
- (c) "Billing error" means an undercharge or overcharge that is caused by any of the following:
  - (i) An inaccurate actual meter read.
  - (ii) An inaccurate remote meter read.
  - (iii) An incorrect use of meter constants.
  - (iv) An incorrect calculation of the applicable rate.
  - (v) A switched meter.
  - (vi) An incorrect application of the rate schedule.
  - (vii) Any other similar act or omission by the utility in determining the amount of a customer's bill.

~~An undercharge or overcharge that is caused by a nonregistering meter, a metering inaccuracy, or the use of an estimated meter read or a customer read is not a billing error.~~

~~(d)~~(c) "Commission" means the Michigan public service commission.

~~(e)~~(d) "Customer," except as used in R 460.3411, means any person, firm, association, or corporation, or any agency of the federal, state, county, or municipal government that purchases electric service supplied by a utility.

~~(f)~~(e) "Electric plant" means all real estate, fixtures, or property that is owned, controlled, operated, or managed in connection with, or to facilitate the production, transmission, and delivery of, electric energy.

~~(g)~~(f) "File" means to deliver to the commission's executive secretary.

~~(h)~~(g) "Meter," unless otherwise qualified, means a device that measures and registers the integral of an electrical quantity with respect to time.

~~(i)~~(h) "Metering ~~error inaccuracy~~" means a failure to accurately measure and record all of the electrical quantities that are required by the applicable rate or rates.

~~(j)~~(i) "Meter shop" means a shop where meters are inspected, repaired, and tested. A meter shop may be at a fixed location or may be mobile.

~~(k)~~(j) "Premises" means an undivided piece of land that is not separated by public roads, streets, or alleys.

~~(l)~~(k) "Submit" means to deliver to the commission's designated representative.

~~(m)~~(l) "Utility" means an electric company, whether private, corporate, or cooperative, that operates under the jurisdiction of the commission.

#### **R 460.3204 Customer records; retention period; content.**

**Rule 204. (1) The utility shall retain records as necessary to comply with R 460.3309. The records shall be retained for not less than 3 years.**

**(2) Records for customers shall show, if applicable, all of the following information:**

**(a) Kilowatt-hour meter reading.**

**(b) Kilowatt-hour consumption.**

**(c) Kilowatt, kilovolt ampere, and kilovar meter reading.**

**(d) Kilowatt, kilovolt ampere, and kilovar measured demand.**

**(e) Kilowatt, kilovolt ampere, and kilovar billing demand.**

**(f) Total amount of bill.**

#### **R 460.3306 Meter-reading interval. ~~Rescinded.~~**

~~Rule 306. (1) For nonresidential customers, the utility shall schedule meters to be read monthly, except that authority may be obtained from the commission for reading the meters at other than monthly intervals. To the extent practicable, utilities shall not send 2 successive estimated bills to a nonresidential customer. For nonresidential seasonal customers, the utility shall schedule meters to be read monthly for the established billing periods. The utility may permit a nonresidential customer to supply the meter readings on a form established by the utility if the utility takes a reading from the meter at least once each 12 months.~~

~~(2) For residential customers, the utility shall comply with the requirements set forth in R 460.2101 et seq.~~

#### **R 460.3308 Standards of good practice; adoption by reference.**

**Rule 308. In the absence of specific rules of the commission, a utility shall apply the provisions of the publications set forth in this rule as standards of accepted good practice. ~~The following publications are adopted by reference in these rules: from the American National Standards Institute, Attn: Customer Service, 11 West 42nd Street, New York, New York 10036, (212) 642-4900, or from the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909.~~ The following standards are available from the American National Standards Institute (ANSI), Customer Service, 25 West 43<sup>rd</sup> St., 4th floor, New York, New York, 10036, USA, telephone number: 1-212-642-4900 or via the internet at web-site: <http://webstore.ansi.org/ansidocstore/>; at**

the cost listed below as of the time of adoption of these rules, plus a handling charge (for paper copies):

(a) American National Standards Institute ~~national standards code~~ for electricity meters (ANSI C12.1), IEEE Master Test Guide for Electrical Measurements in Power Circuits, 120-1989. Cost \$153.00. ~~, 1982 edition, at a cost of \$17.95, plus a handling charge.~~

(b) American National Standards Institute/American Society for Quality Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming (ANSI/ASQ Z1.9-2003). Cost \$100.00. ~~American national standard requirements, terminology and test code for instrument transformers (ANSI C57.13), 1978 edition, at a cost of \$35.00, plus a handling charge.~~

(c) American National Standards Institute IEEE Standard Requirements for Instrument Transformers (ANSI C57.13-1993). Cost \$110.00. ~~national standard conformance test procedures for instrument transformers (ANSI/IEEE C57.13.2), 1986 edition, at a cost of \$30.00, plus a handling charge.~~

(d) American National Standards Institute IEEE Standard for High Accuracy Instrument Transformers, IEEE Std. C57.13.6-2005. Cost \$35.00.

(e) The standards adopted in subdivisions (a) to (d) of this rule are also available for inspection at the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan, 48909. Copies of these standards may also be obtained from the MPSC at the cost charged by ANSI, plus \$20.00 for shipping and handling.

#### **R 460.3309 Metering inaccuracies; billing adjustments.**

**Rule 309. (1) An adjustment of bills for service for the period of inaccuracy shall be made for over registration and may be made for under registration under any of the following conditions:**

- (a) If a meter creeps.
  - (b) If a metering installation is found upon any test to have an average inaccuracy of more than 2.0%.
  - (c) If a demand metering installation is found upon any test to have an average inaccuracy of more than 1.0% in addition to the inaccuracies allowed under R 460.3609.
  - (d) If a meter registration has been found to be inaccurate due to apparent tampering by a person or persons known or unknown.
- (2) The amount of the adjustment of the bills for service shall be calculated on the basis that the metering equipment is 100% accurate with respect to the testing equipment used to make the test. The average accuracy of watt-hour meters shall be calculated in accordance with R 460.3616.
- (3) If the date when the inaccuracy in registration began can be determined, then that date shall be the starting point for determining the amount of the adjustment and shall be subject to subrule (12) of this rule.
- (4) If the date when the inaccuracy in registration began cannot be determined, then it is assumed that the inaccuracy existed for the period of time immediately preceding discovery of the inaccuracy that is equal to 1/2 of the time since the meter was installed on the present premises, 1/2 of the time since the last test, or 6 years, whichever is the shortest period of time, except as otherwise provided in subrule (5) of this rule and subject to subrule (12) of this rule.

(5) The inaccuracy in registration due to creep shall be calculated by timing the rate of creeping under R 460.3607 and by assuming that the creeping affected the registration of the meter for the period of time immediately preceding discovery of the inaccuracy that is equal to 1/4 of the time since the meter was installed on the present premises, 1/4 of the time since the last test, or 6 years, whichever is the shortest period of time, subject to subrule (12) of this rule.

(6) If the average inaccuracy cannot be determined by test because part, or all, of the metering equipment is inoperative, then the utility may use the registration of check metering installations, if any, or estimate the quantity of energy consumed based on available data. The utility shall advise the customer of the metering equipment failure and of the basis for the estimate of the quantity billed. The same periods of inaccuracy shall be used as explained in this rule.

(7) Recalculation of bills shall be on the basis of the recalculated monthly consumption.

(8) If the recalculated bills indicate that an amount is due an existing customer or that more than \$10.00 is due a former customer of the utility, then the utility shall refund the full amount of the difference between the amount paid and the recalculated amount.

(9) Refunds shall be made to the 2 most recent customers who received service through the meter found to be inaccurate. If a former customer of the utility, a notice of the amount of the refund shall be mailed to such customer at the last known address. The utility shall, upon demand made by the customer within 3 months of mailing of the notice, forward the refund to the customer.

(10) If the recalculation of billing as a result of a metering inaccuracy indicates that more than \$1.00 is owed to the utility by an existing customer or that more than \$10.00 is owed to the utility by a former customer, then the utility may issue a bill for the amount, subject to subrule (12) of this rule.

(11) Each utility may establish a policy setting a minimum amount for which it may bill a customer due to under registration that is more than the amounts in subrule (10) of this rule. The minimum amount established in the utility policy shall be applied in all cases of under registration to determine whether the customer will be billed for the amount due the utility because of under registration.

(12) Except in cases of tampering, back billing of customers for metering inaccuracies is limited to the 2-year period immediately preceding discovery of the inaccuracy. The customer shall be given a reasonable time in which to pay the amount of the back billing, after consideration of the amount of the back bill and the duration of the inaccuracy, and service shall not be shut off during this time for nonpayment of the amount of the back billing if the customer is complying with the repayment agreement.

#### **PART 4. CUSTOMER RELATIONS- EXTENSION OF SERVICE**

R 460.3401 ~~Customer information and service.~~ **Rescinded.**

~~Rule 401. Each utility shall do all of the following:~~

~~(a) Maintain information that is necessary to enable the utility to advise prospective customers and others entitled to the information as to the facilities available for serving prospective customers in the utility's service area.~~

~~(b) Assist the customer or prospective customer in selecting the most economical rate schedule based on the information supplied by the customer. However, the selection of the best available rate is the responsibility of the customer. Once the selection is made, the customer shall stay on the rate not less than 12 months or until the customer notifies the utility of permanent changes in the conditions of service that would warrant a different rate schedule.~~

~~(c) Notify customers affected by a proposed change in rates or schedule classification by publishing a notice in newspapers of general circulation in the utility's service area, by giving notice to customers individually, or as otherwise required by the commission.~~

~~(d) Post suitable signs in conspicuous locations at all bill payment offices that are operated by the utility, calling attention to the fact that the rules, regulations, rate schedules, proposed rate schedules, explanations of rate schedules, and explanations of proposed rate schedules are on file and available for inspection. Upon request, a utility shall provide 1 copy of the rules, explanations, or schedules to a customer without charge.~~

~~(e) Upon request, inform the utility's customers as to the method of reading meters.~~

~~(f) Furnish any additional information that is reasonable for the customer to request.~~

**R 460.3402 Customer records; retention period; content. Rescinded.**

~~—Rule 402. (1) The utility shall retain records as necessary to comply with R 460.3403 and R 460.3404. The records shall be retained for not less than 3 years.~~

~~—(2) Records for customers shall show, if applicable, all of the following information:~~

~~—(a) Kilowatt hour meter reading.~~

~~—(b) Kilowatt hour consumption.~~

~~—(c) Kilowatt, kilovolt ampere, and kilovar meter reading.~~

~~—(d) Kilowatt, kilovolt ampere, and kilovar measured demand.~~

~~—(e) Kilowatt, kilovolt ampere, and kilovar billing demand.~~

~~—(f) Total amount of bill.~~

**R 460.3403 Metering inaccuracies; billing adjustments. Rescinded.**

~~—Rule 403. (1) If a meter creeps, if a metering installation is found upon any test to have an average inaccuracy of more than 2.0%, if a demand metering installation is found upon any test to have an average inaccuracy of more than 1.0% in addition to the inaccuracies allowed under R 460.3609, or if a meter registration has been found to be inaccurate due to apparent tampering by a person or persons known or unknown, an adjustment of bills for service for the period of inaccuracy shall be made in the case of over registration and may be made in the case of under registration.~~

~~—(2) The amount of the adjustment of the bills for service shall be calculated on the basis that the metering equipment should be 100% accurate with respect to the testing equipment used to make the test. The average accuracy of watt-hour meters shall be calculated in accordance with R 460.3616.~~

~~—(3) If the date when the inaccuracy in registration began can be determined, that date shall be the starting point for determining the amount of the adjustment and shall be subject to subrule (12) of this rule.~~

~~—(4) If the date when the inaccuracy in registration began cannot be determined, it shall be assumed that the inaccuracy existed for the period of time immediately preceding discovery of the inaccuracy that is equal to 1/2 of the time since the meter was installed on the present premises, 1/2 of the time since the last test, or 6 years, whichever is the shortest period of time, except as otherwise provided in subrule (5) of this rule and subject to subrule (12) of this rule.~~

~~—(5) The inaccuracy in registration due to creep shall be calculated by timing the rate of creeping in accordance with R 460.3607 and by assuming that the creeping affected the registration of the meter for the period of time immediately preceding discovery of the inaccuracy that is equal to 1/4 of the time since the meter was installed on the present premises, 1/4 of the time since the last test, or 6 years, whichever is the shortest period of time, subject to subrule (12) of this rule.~~

~~—(6) If the average inaccuracy cannot be determined by test because part, or all, of the metering equipment is inoperative, it is permissible to use the registration of check metering installations, if any, or to estimate the quantity of energy consumed based on available data. The customer shall be advised of the metering equipment failure and of the basis for the estimate of the quantity billed. The same periods of inaccuracy shall be used as explained in this rule.~~

- ~~—(7) Recalculation of bills shall be on the basis of the recalculated monthly consumption.~~
- ~~—(8) If the recalculated bills indicate that an amount is due an existing customer or that more than \$10.00 is due a former customer of the utility, the full amount of the difference between the amount paid and the recalculated amount shall be refunded.~~
- ~~—(9) Refunds shall be made to the 2 most recent customers who received service through the meter found to be inaccurate. In the case of a former customer of the utility, a notice of the amount of the refund shall be mailed to such customer at the last known address. The utility shall, upon demand made by the customer within 3 months of mailing of the notice, forward the refund to the customer.~~
- ~~—(10) If the recalculation of billing as a result of a metering inaccuracy indicates that more than \$1.00 is owed to the utility by an existing customer or that more than \$10.00 is owed to the utility by a former customer, the utility may issue a bill for the amount, subject to subrule (12) of this rule.~~
- ~~—(11) Each utility may establish a policy setting a minimum amount for which it may bill a customer due to under registration that is more than the amounts set forth in subrule (10). The minimum amount established in the utility policy shall be applied in all cases of under registration to determine whether the customer will be billed for the amount due the utility because of under registration.~~
- ~~—(12) Except in cases of tampering, back billing of customers for metering inaccuracies is limited to the 2-year period immediately preceding discovery of the inaccuracy. The customer shall be given a reasonable time in which to pay the amount of the back billing, after consideration of the amount of the back bill and the duration of the inaccuracy, and service shall not be shut off during this time for nonpayment of the amount of the back billing if the customer is complying with the repayment agreement.~~

**R 460.3404 Billing errors. Rescinded.**

~~—Rule 404. (1) Billing errors involving residential customers shall be resolved in accordance with R 460.2101 et seq.~~

~~(2) If a nonresidential customer has been overcharged as a result of a billing error, the amount of the overcharge shall be adjusted, refunded, or credited to the customer. A utility is not required to adjust, refund, or credit an overcharge beyond the 3-year period immediately preceding discovery of the overcharge, unless the customer is able to present a record establishing an earlier date of occurrence or commencement of the overcharge.~~

~~(3) If a nonresidential customer has been undercharged as a result of a billing error, the undercharge may be billed to the customer subject to the same requirements that apply to back billing for metering inaccuracies in R 460.3403(10), (11), and (12).~~

**R 460.3406 Servicing utility equipment on customer's premises. Rescinded.**

~~Rule 406. Each utility shall service and maintain its equipment used on a customer's premises and shall correctly set and keep in proper adjustment any devices that control the customer's service in accordance with the provisions in the utility's rate schedules.~~

**R 460.3407 Customer complaints; investigations; records. Rescinded.**

~~Rule 407. Complaints concerning equipment owned by the utility or the charges, practices, or service of the utility shall be investigated promptly and thoroughly. The utility shall keep records of customer complaints that will enable the utility to review and analyze its procedures and actions.~~

**R 460.3602 Meter and associated device inspections and tests; certification of accuracy.**

**Rule 602.** Every meter and associated device shall be inspected and tested in the meter shop of the utility, **or a meter testing facility certified by the utility**, before being placed in service. The accuracy

of each meter shall be certified to be within the tolerances permitted by these rules, except that the utility may rely on the certification of accuracy by the manufacturer on all new self-contained, single-phase meters.

R 460.3605 Metering electrical quantities.

Rule 605. (1) All electrical quantities that are to be metered as provided in R 460.3301 shall be metered by commercially acceptable instruments which are owned and maintained by the utility.

(2) Every reasonable effort shall be made to measure at 1 point all the electrical quantities necessary for billing a customer under a given rate.

(3) Metering facilities located at any point where energy may flow in either direction and where the quantities measured are used for billing purposes shall consist of meters equipped with ratchets or other devices to prevent reverse registration and shall be so connected as to separately meter the energy flow in each direction, **unless used to implement a utility tariff approved by the commission for service provided under a net metering program.**

(4) Reactive metering shall not be employed for determining the average power factor for billing purposes where energy may flow in either direction or where the customer may generate an appreciable amount of his or her energy requirements at any time, unless suitable directional relays and ratchets are installed to obtain correct registration under all conditions of operation.

(5) All electric service of the same type rendered under the same rate schedule shall be metered with instruments having like characteristics, except that the commission may be requested to approve the use of instruments of different types if their use does not result in unreasonable discrimination. Either all of the reactive meters which may run backwards or none of the reactive meters used for measuring reactive power under 1 schedule shall be ratcheted.

R 460.3607 Watt-hour meter requirements.

Rule 607. (1) Watthour meters that are used for measuring electrical quantities supplied shall **conform to ANSI specifications and** meet all of the following requirements:

(a) Be of proper design for the circuit on which the meters are used; be in good mechanical and electrical condition; and have adequate insulation, correct internal connections, and correct register.

(b) Not creep at no load with all load wires disconnected at a rate of one complete revolution of the moving element in ten minutes when potential is impressed.

(c) Be accurate to within plus or minus 1.0%, referred to the portable standard watthour meter as a base, at two unity power factor loads: light load (l.l.) and heavy load (h.l.). ~~Light load test current for self contained meters is equal to 10% of the rated test amperes of the meter. Heavy load test current for self contained meters is between 75% and 100% of the rated test amperes of the meter. Heavy load test current for transformer rated meters is between 75% and 200% of the rated test amperes of the meter. Light load test current for transformer rated meters is between 5% and 10% of the rated test amperes of the meter.~~

<b>Meter Must be Accurate within ± 1.0% to Portable Standard</b>			
<b>Meter Class</b>	<b>Light Load Test Amperes</b>	<b>Heavy Load Test Amperes</b>	<b>Inductive Load 50% Lagging</b>

			<b>Power Factor Test Amperes</b>
<b>Self-Contained</b>	<b>10% Rated Test Amperes of Meter</b>	<b>75-100% Rated Test Amperes of Meter</b>	<b>75-100% Rated Test Amperes of Meter</b>
<b>Transformer Rated</b>	<b>5-10% Rated Test Amperes of Meter</b>	<b>75-100% Rated Test Amperes of Meter</b>	<b>75-100% Rated Test Amperes of Meter</b>

(d) Be accurate to within plus or minus 2.0%, referred to the portable standard watt-hour meter as a base, at inductive load (i.l.) ~~approximately 50% lagging power factor. Inductive load test current is approximately equal to heavy load test current.~~

(2) Polyphase meters shall have their elements in balance within 2.0% at rated test amperes at unity power factor and at approximately 50% lagging power factor.

(3) Meters that are used with instrument transformers shall be adjusted so that the overall accuracy of the metering installation meets the requirements of this rule.

(4) Meters and associated devices shall be adjusted as close as practical to zero error and within the accuracy limits specified in subrule (1)(c) of this rule.

R 460.3609 Instrument transformers used in conjunction with metering equipment; requirements; phase shifting transformers; secondary voltage.

Rule 609. (1) Instrument transformers used in conjunction with metering equipment to measure a customer's service shall meet both of the following requirements:

(a) Be in proper mechanical condition and have satisfactory electrical insulation for the service on which used.

(b) Have characteristics such that the combined inaccuracies of all transformers supplying 1 or more meters in a given installation will not exceed the percentages listed in the following chart:

<del><b>100% Power Factor</b></del>		<del><b>50% Power Factor</b></del>	
<del><b>10%</b></del>	<del><b>100%</b></del>	<del><b>10%</b></del>	<del><b>100%</b></del>
<del><b>Current</b></del>		<del><b>Current</b></del>	
<del><b>1%</b></del>	<del><b>.75%</b></del>	<del><b>3%</b></del>	<del><b>2%</b></del>

	<b>100% Power Factor</b>		<b>50% Power Factor</b>	
<b>Current</b>	<b>10%</b>	<b>100%</b>	<b>10%</b>	<b>100%</b>
<b>Error</b>	<b>1%</b>	<b>0.75%</b>	<b>3%</b>	<b>2%</b>

(2) Meters that are used in conjunction with instrument transformers shall be adjusted so that the overall accuracies will come within the limits specified in this part.

(3) Instrument transformers shall be tested with the meter with which they are associated by making an overall test or may be checked separately. If the transformers are tested separately, the meters shall also be checked to see that the overall accuracy of the installation is within the prescribed accuracy requirements. (See R 460.3613 (6).)

(4) The results of tests of instrument transformers shall be kept on record and shall be available for use.

(5) Phase shifting transformers shall have secondary voltages under balanced line voltage conditions within plus or minus 1.0% of the voltage impressed on the primary side of the transformer.

R 460.3610 Portable indicating voltmeters; accuracy.

Rule 610. All portable indicating voltmeters that are used for determining the quality of service voltage to customers shall be checked against a suitable secondary reference standard at least once every 6 months **for analog devices, and once every 12 months for digital devices**. The accuracy of these voltmeters shall be rated so that the error of the indication is not more than plus or minus 1% of full scale. If the portable indicating voltmeter is found to be in error by more than the rated accuracy at commonly used scale deflections, it shall be adjusted.

R 460.3612 Test standards; accuracy.

Rule 612. (1) The accuracies of all primary reference standards shall be certified as traceable to the National Institute of Standards and Technology (NIST), either directly or through other recognized standards laboratories. These standards shall have their accuracy certified at the time of purchase. Standard cells shall be intercompared regularly and at least 1 standard cell shall be checked by a standardizing laboratory at intervals of not more than 2 years. Reference standards of resistance, potentiometers, and volt boxes shall be checked at intervals of not more than 3 years.

(2) Secondary watt-hour meter standards shall not be in error by more than plus or minus 0.3% at loads and voltages at which they are to be used, and shall not be used to check or calibrate working standards, unless the secondary standard has been checked and adjusted, if necessary, within the preceding 6 months. Each secondary standard watt-hour meter shall have calibration data available and shall have a history card.

(3) Secondary standards indicating instruments shall not be in error by more than plus or minus 0.5% of indication at commonly used scale deflection and shall not be used to check or calibrate portable indicating instruments, unless the secondary standard has been checked and adjusted, if necessary, within the preceding 12 months. A calibration record shall be maintained for each standard.

(4) Regularly used working portable standard watt-hour meters shall be compared with a secondary standard at least once **every 6 months** ~~a month~~. Infrequently used working standards shall be compared with a secondary standard before they are used.

(5) Working portable standard watt-hour meters shall be adjusted so that their percent registration is within 99.7% and 100.3% at 100% power factor and within 99.5% and 100.5% at 50% lagging power factor at all voltages and loads at which the standard may be used. A history and calibration record shall be kept for each working standard.

R 460.3613 Metering equipment testing requirements.

Rule 613. (1) The testing of any unit of metering equipment shall consist of a comparison of its accuracy with a standard of known accuracy. Units which are not properly connected or which do not meet the accuracy or other requirements of these meter and metering equipment rules at the time of testing shall be reconnected or rebuilt to meet such requirements and shall be adjusted to within the required accuracy and as close to zero error as practicable or else their use shall be discontinued.

(2) Self-contained, single-phase meters, except for combination meters (meters that include demand devices or control devices), shall be in compliance with all of the following requirements:

(a) Be checked for accuracy at unity power factor at the point where a meter is installed, at a central testing point, or in a mobile testing laboratory within a period of from 12 months before, to 60 days after, a meter is placed in service, except as provided for in R 460.3602, **and in subrule (3) of this rule**, and not later than **9 6** months after 192 months of service for a surge-resistant meter and not later than **9 6** months after 96 months of service for a non-surge-resistant meter.

(b) Notwithstanding the provisions of subdivision (a) of this subrule, upon application to the commission and upon receipt of an order granting approval, the testing of self-contained, single-phase meters in service shall be governed by a quality control plan as follows:

(i) Meters shall be divided into homogeneous groups by manufacturers' types, except as follows:

(A) Certain manufacturers' types shall be further subdivided into separate groups by manufacturers' serial numbers as follows:

(1) General Electric type I-30 shall be divided at serial number 20,241,829.

(2) Westinghouse type C shall be divided at serial number 16,350,000.

(3) Duncan type MF shall be divided at serial number 2,650,000.

(4) Sangamo type J meters shall be divided starting with serial number 10,000,000.

(B) Non-surge-resistant meters that are installed in nonurban areas shall be treated as separate groups by manufacturers' type.

(ii) The meters in each homogeneous group shall then be further subdivided into lots of not less than 301, and not more than 10,000, meters each, except that meters of the most recent design may be combined into lots regardless of manufacturers' type, except that where the number of meters of a single type is 8,001 or more, that number of meters shall be segregated by types for the formation of lots.

(iii) From each assembled lot, a sample of the size specified in table A-2, ANSI/ASQC Z1.9-~~1980~~, shall be drawn annually. The sample shall be drawn at random.

(iv) The meters in each sample shall be tested for accuracy pursuant to the provisions of these rules.

(v) The test criteria for acceptance or rejection of each lot shall be based on the test at heavy load only and shall be that designated for double specification limits and an acceptable quality level (AQL) that is not higher than 2.50 (normal inspection) as shown in table B-3, ANSI/ASQC Z1.9-~~1980~~.

(vi) The necessary calculations shall be made pursuant to Example B-3 of ANSI/ASQC Z1.9-~~1980~~. The upper and lower specification limits, U and L, shall be 102% and 98%, respectively.

(vii) A lot shall be rejected if the total estimated percent defective (p) exceeds the appropriate maximum allowable percent defective (M) as determined from table B-3 as specified in paragraph (v) of this subdivision.

(viii) All meters in a rejected lot shall be tested within a maximum period of 48 months and shall be adjusted pursuant to the provisions of R 460.3607 or shall be replaced with meters that are in compliance with the requirements of R 460.3607.

(ix) During each calendar year, new meter samples shall be drawn as specified in this subdivision from all meters in service, with the exception that lots that have been rejected shall be excluded from the sampling procedure until all meters included in the rejected lots have been tested.

(x) The utility may elect to adopt a mixed variables-attributes sampling plan as outlined in Section A9 of ANSI/ASQC Z1.9-~~1980~~, in which case, a lot that is not in compliance with the acceptability criteria of the variables sampling plan shall be resampled the following year using an attributes sampling plan. If the acceptability criteria of the attributes sampling plan are met, then the lot shall be considered acceptable and shall be returned to the variables sampling plan the following year. If the acceptability criteria of the attributes sampling plan are not met, then that lot shall be rejected and all meters in the

lot shall be tested and adjusted or replaced within a maximum period of 36 months after the second rejection.

(xi) The plan specified in paragraph (x) of this subdivision does not alter the rules under which customers may request special tests of meters.

(c) Be checked for accuracy in all of the following situations:

(i) When a meter is suspected of being inaccurate or damaged.

(ii) When the accuracy of a meter is questioned by a customer. (See R 460.3601)

(iii) Before use if a meter has been inactive for more than 1 year after having been in service.

(iv) When a meter has been removed from service and has not been tested within the previous 48 months.

(d) Be inspected for mechanical and electrical faults when the accuracy of the device is checked.

(e) Have the register and the internal connections checked before the meter is first placed in service and when the meter is repaired.

(f) Have the connections to the customer's circuits checked when the meter is tested on the premises or when removed for testing.

(g) Be checked for accuracy at 50% power factor when purchased and after rebuilding.

(h) A meter need not be tested or checked for any reason, except when a complaint is received, if the device was tested, checked, and adjusted, if necessary, within the previous 12 months.

(3) Notwithstanding the provisions of subrules (4)(a)(ii), (5)(a) (ii) and (6)(a)(iii) **of this rule**, upon application to the commission and upon receipt of an order granting approval, the solid state meters described in subrules (4), (5) and (6) **of this rule** in service may elect to be governed by a quality control plan as follows:

(a) Meters shall be divided into homogeneous groups by manufacturers' types.

(b) The meters in each homogeneous group shall then be further subdivided into lots of not less than 301, and not more than 10,000, meters each, except that meters of the most recent design may be combined into lots regardless of manufacturers' type, except that where the number of meters of a single type is 8,001 or more, that number of meters shall be segregated by types for the formation of lots.

(c) From each assembled lot, a sample of the size specified in table A-2, ANSI/ASQ Z1.9, shall be drawn annually. The sample shall be drawn at random.

(d) The meters in each sample shall be tested for accuracy pursuant to the provisions of these rules.

(e) The test criteria for acceptance or rejection of each lot shall be based on the test at heavy load only and shall be that designated for double specification limits and an acceptable quality level (AQL) that is not higher than 2.50 (normal inspection) as shown in table B-3, ANSI/ASQ Z1.9.

(f) The necessary calculations shall be made pursuant to Example B-3 of ANSI/ASQ Z1.9. The upper and lower specification limits, U and L, shall be 102% and 98%, respectively.

(g) A lot shall be rejected if the total estimated percent defective (p) exceeds the appropriate maximum allowable percent defective (M) as determined from table B-3 as specified in paragraph (e) of this subdivision.

(h) All meters in a rejected lot shall be tested within a maximum period of 48 months and shall be adjusted pursuant to the provisions of R 460.3607 or shall be replaced with meters that are in compliance with the requirements of R 460.3607.

(i) During each calendar year, new meter samples shall be drawn as specified in this subdivision from all meters in service, with the exception that lots that have been rejected shall be excluded from the sampling procedure until all meters included in the rejected lots have been tested.

(j) The utility may elect to adopt a mixed variables-attributes sampling plan as outlined in Section A9 of ANSI/ASQ Z1.9, in which case, a lot that is not in compliance with the acceptability criteria of the variables sampling plan shall be resampled the following year using an attributes sampling plan. If the

acceptability criteria of the attributes sampling plan are met, the lot shall be considered acceptable and shall be returned to the variables sampling plan the following year. If the acceptability criteria of the attributes sampling plan are not met, then that lot shall be rejected and all meters in the lot shall be tested and adjusted or replaced within a maximum period of 36 months after the second rejection.

(k) The plan specified in paragraph (j) of this subdivision does not alter the rules under which customers may request special tests of meters.

(4 ~~3~~) All single-phase meters that are not included in the provisions of subrule (2) of this rule, together with associated equipment, such as demand devices, control devices and instrument transformer-rated meters, shall be in compliance with all of the following requirements:

(a) Be checked for accuracy at unity power factor at the point where a meter is installed, at a central testing point, or in a mobile testing laboratory as follows:

(i) Within a period of from 12 months before, to 60 days after, a meter is placed in service, exceptions to this subrule (4)(a) **of this rule** are as provided for in R 460.3602 and for solid state meters.

(ii) Not later than 9 ~~6~~ months after 144 months of service for a surge-resistant meter and not later than 9 ~~6~~ months after 96 months of service for a non-surge-resistant meter.

(iii) When a meter is suspected of being inaccurate or damaged.

(iv) When the accuracy of a meter is questioned by a customer. (See R 460.3601)

(v) Before use when a meter has been inactive for more than 1 year after having been in service.

(vi) When a meter is removed from service and has not been tested within a period equal to 1/2 of the normal test schedule.

(b) Be inspected for mechanical and electrical faults when the accuracy of the device is checked.

(c) Have the register and the internal connections checked before the meter is first placed in service and when the meter is repaired.

(d) Have the connections to the customer's circuits checked when the meter is tested on the premises or when removed for testing.

(e) Be checked for accuracy at 50% power factor when purchased and after rebuilding.

(f) A meter need not be tested or checked for any reason, except when a complaint is received, if the device was tested, checked and adjusted, if necessary, within the previous 12 months.

**(5** ~~4~~) All self-contained, 3-phase meters and associated equipment shall be in compliance with all of the following requirements:

(a) Be tested for accuracy at unity and 50% power factor as follows:

(i) Before being placed in service.

(ii) Not later than 9 ~~6~~ months after 120 months of service.

(iii) When a meter is suspected of being inaccurate or damaged.

(iv) When the accuracy of a meter is questioned by a customer. (See R 460.3601)

(v) When a meter is removed from service.

(b) Be inspected for mechanical and electrical faults when the accuracy is checked.

(c) Have the register and internal connections checked before the meter is first installed, when repaired and when the register is changed.

(d) Have the connections to the customer's circuits and multipliers checked when the equipment is tested for accuracy on the customer's premises.

**(6** ~~5~~) All transformer-rated, 3-phase meters and associated equipment shall be in compliance with all of the following requirements:

(a) Be checked for accuracy at unity and 50% power factor as follows:

(i) Before being placed in service.

(ii) On the customer's premises within 60 days after installation, unless the transformers are in compliance with the specifications outlined in the American National Standards Institute standard ANSI

~~C-57.13-1978 (R1987), which is adopted by reference in these rules and which is available from the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909, at a cost as of the time of adoption of this rule of 5 cents per page, plus \$13.07 per hour of copying or from the American National Standards Institute, 1430 Broadway, New York, NY 10018, at a cost as of the time of adoption of this class, and unless the meter adjustment limits do not exceed plus or minus 1.5% at 50% power factor.~~

(iii) Not later than ~~9~~ 6 months after 72 months of service.

(iv) When a meter is suspected of being inaccurate or damaged.

(v) When the accuracy is questioned by a customer. (See R 460.3601)

(vi) When a meter is removed from service.

(b) Be inspected for mechanical and electrical faults when the accuracy is checked.

(c) Have the register and internal connections checked before the meter is first placed in service and when the meter is repaired.

(d) Have the connections to the customer's circuits and multipliers checked when the equipment is tested for accuracy on the premises or when removed for testing and when instrument transformers are changed.

(e) Be checked for accuracy at 50% power factor when purchased and after rebuilding.

~~(7~~ 6) Instrument transformers shall be tested in all of the following situations:

(a) When first received, unless a transformer is accompanied by a certified test report by the manufacturer.

(b) When removed from service.

(c) Upon complaint.

(d) When there is evidence of damage.

(e) When an approved check, such as the variable burden method in the case of current transformers that is made when the meter is tested indicates that a quantitative test is required.

~~(8~~ 7) Demand meters shall be in compliance with both of the following requirements:

(a) Be tested for accuracy in all of the following situations:

(i) Before a meter is placed in service.

(ii) When an associated meter is tested and the demand meter is a block interval nonrecording type or a thermal type.

(iii) After 2 years of service if the meter is of the recording type, but testing is not required if the meter is of the pulse-operated type and the demand reading is checked with the kilowatt-hour reading each billing cycle.

(iv) When a meter is suspected of being inaccurate or damaged.

(v) When the accuracy is questioned by a customer. (See R 460.3601)

(vi) When a meter is removed from service.

(b) Be inspected for mechanical and electrical faults when a meter is tested in the field or in the meter shop.

~~(8) ANSI/ASQC Z1.9-1980 is adopted by reference in these rules and is available from the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909, at a cost as of the time of adoption of this rule of 5 cents per page, plus \$13.07 per hour of copying or from the American National Standards Institute, 1430 Broadway, New York, New York 10018, at a cost as of the time of adoption of this rule of \$25.00.~~

R 460.3901 Customer deposits. **Rescinded.**

Rule 901. (1) Both of the following provisions apply to new customer deposits:

~~(a) Except as provided in subdivision (b) of this subrule, a utility shall not require a deposit from a new customer as a condition of receiving service. A utility may, with proper notification, require a deposit from a new customer if the customer exhibits an unsatisfactory record of bill payment within the first 6 months after service has commenced. Payment of bills on or before the due date shall constitute a satisfactory record of bill payment.~~

~~(b) A utility may require a deposit for a new customer under any of the following conditions:~~

~~(i) Service is for short periods or special occasions.~~

~~(ii) The new customer has an existing bad debt with any company regulated by the commission.~~

~~(iii) Other business accounts with the customer are experiencing collection activity.~~

~~(iv) The customer has no established credit rating or an unfavorable credit rating with a credit-reporting agency.~~

~~—(2) An existing customer shall be classified as one who has received service for more than a 6-month period. A deposit may be required under any of the following conditions:~~

~~(a) If a shutoff notice has been issued on 2 or more occasions within the most recent 12-month period.~~

~~(b) Service has been shut off for nonpayment.~~

~~(c) The customer has tampered with the meter or converted utility electricity to the customer's use.~~

~~—(3) A deposit of not more than 3 times an average monthly billing may be required from customers who are subject to deposit provisions. The utility shall provide reasonable terms for the payment of the deposit. If the applicant has sought any form of relief under the federal bankruptcy laws or is brought within the jurisdiction of the bankruptcy court for any reason, or if a receiver is appointed in a state court proceeding, the utility may assess a deposit as allowed by federal bankruptcy law or state law.~~

~~—(4) A deposit may be retained by the utility until the customer compiles a record of up to 18 continuous months of bill payment on or before the due date.~~

~~—(5) A utility shall pay simple interest to each customer who is required to make a deposit for the time the deposit is held by the utility. The interest rate shall be the rate paid on United States savings bonds, series EE, as of the first business day of the calendar year. Interest need not be paid unless the deposit is held for more than 12 months. Payment of the interest to the customer shall be made annually if requested by the customer. If payment of the interest is not requested, the interest shall be paid at the time the deposit is returned. Interest shall be accrued annually. The deposit shall cease to draw interest on the date the deposit is returned, on the date service is terminated, or on the date that notice that the deposit is no longer required is sent to the customer's last known address.~~

~~—(6) If service is terminated or shut off, the utility may apply the deposit, plus accrued interest, to the customer's unpaid balance. If the deposit, plus accrued interest, is more than the unpaid balance, the excess shall be returned to the customer.~~

~~—(7) Each utility shall keep records that show all of the following information:~~

~~(a) The name and address of each depositor.~~

~~(b) The amount and date of the deposit.~~

~~(c) Each transaction concerning the deposit.~~

~~—(8) Each utility shall issue a receipt of deposit to each customer from whom a deposit is received and shall provide means by which a depositor may establish a claim if the receipt is lost.~~

~~—(9) A record of each unclaimed deposit shall be maintained for not less than 3 years, during which time the utility shall make a reasonable effort to return the deposit.~~

~~—(10) Unclaimed deposits, together with accrued interest, shall be credited to an appropriate account and shall be disposed of pursuant to Michigan statutes.~~

~~—(11) Deposits for residential customers are governed by the provisions of R 460.2101 et seq.~~

R 460.3902 Customer bill forms for commercial and industrial customers: **Rescinded.**

~~Rule 902. (1) The utility shall bill each customer as promptly as possible after reading the meter or meters. The bill shall show all of the following information:~~

~~(a) The reading or readings of each meter at the beginning and end of the period for which the bill is rendered.~~

~~(b) The dates on which each meter was read at the beginning and end of the billing period.~~

~~(c) The number and kind of units metered.~~

~~(d) The applicable rate schedule or identification of the applicable rate schedule. If the actual rates are not shown, the bill shall carry a statement to the effect that the applicable rate schedule will be furnished on request.~~

~~(e) The gross amount or net amount of the bill, or both, including any applicable tax shown separately from the net amount.~~

~~(f) The date by which the customer must pay the bill to benefit from any discount or to avoid any penalty.~~

~~(g) A distinct marking to identify an estimated bill.~~

~~(h) Any conversions from meter reading units to billing units, any calculations to determine billing units from recording or other devices, or any other factors, such as power supply cost recovery adjustments, used in determining the bill.~~

~~—(2) In place of the billing information specified in subrule (1)(h) of this rule, a statement may appear on the bill advising the customer that the information can be obtained by contacting the utility's principal office. Any multiplier used to determine billing units shall be shown when used.~~

~~—(3) If the billing period differs from the meter reading cycle and the reading data is calculated from actual metered data, the actual meter reading shall be shown on the bill.~~

~~—(4) Bill forms for residential customers are governed by R 460.2101 et seq.~~

R 460.3903 Denial or shutoff of service to commercial and industrial customers. **Rescinded.**

~~Rule 903. (1) Service to commercial and industrial customers may be denied or shut off for any of the following reasons:~~

~~(a) Without notice, if a condition on the customer's premise is determined by the utility or a governmental agency to be hazardous.~~

~~(b) Without notice, if a customer uses equipment in a manner that adversely affects the utility's equipment or the utility's service to others.~~

~~(c) Without notice, if the customer tampers with the equipment furnished and owned by the utility.~~

~~(d) Without notice, if unauthorized use of the equipment furnished and owned by the utility occurs, including obtaining the use of equipment by submitting a falsified application.~~

~~(e) For violation of, or noncompliance with, the utility's rules on file with, and approved by, the commission.~~

~~(f) For failure of the customer to fulfill his or her contractual obligations for service or facilities that are subject to regulation by the commission.~~

~~(g) For failure of the customer to permit the utility reasonable access to its equipment.~~

~~(h) For nonpayment of a bill if the utility has made a reasonable attempt to obtain payment.~~

~~(i) For failure of the customer to provide the utility with a deposit as authorized by R 460.3901.~~

~~—(2) Except as provided in subrule (1)(a), (b), (c), and (d) of this rule, a utility shall give a customer written notice that if the customer does not settle the account or comply with the rules and regulations of the utility within 10 days of issuance of the notice to the customer, the utility may deny or shut off service.~~

~~—(3) At least 1 day before scheduled field action for shutoff, an attempt shall be made to contact the customer by telephone or in person. If contact is not made within 24 hours before the scheduled shutoff,~~

~~a notice shall be left at the premises in a conspicuous location indicating that service may be shut off the next business day if the bill is not paid.~~

~~—(4) If the customer's premises are not occupied for residential purposes, the utility may give the notice required in subrule (3) of this rule by mailing the notice to the customer. The notice shall indicate the date on which service may be shut off, which shall be not less than 4 calendar days after the postmark date.~~

~~—(5) Service shall not be shut off on the day preceding a day or days on which the utility does not provide for receiving payments and restoring service, except as provided in subrule (1)(a), (b), (c), and (d) of this rule.~~

~~R 460.3904 Denial or shutoff of service to commercial and industrial customers; insufficient cause. **Rescinded.**~~

~~Rule 904. (1) The following reasons do not constitute sufficient cause for denial or shutoff of service to a prospective or present commercial or industrial customer:~~

~~(a) Delinquency in payment for service by a previous occupant of the premises to be served.~~

~~(b) Failure to pay for items, such as merchandise or appliances, or services that are not approved by the commission as an integral part of the electric service provided by the utility.~~

~~(c) Failure to pay for a different type or class of public utility service.~~

~~(d) Failure to pay the bill of another customer as guarantor.~~

~~—(2) A utility shall not shut off service during a reasonable time period given to a customer to pay the amount of a back billing as provided in R 460.3403(12) and R 460.3404 (3).~~

~~R 460.3905 Discounts and late payment charges. **Rescinded.**~~

~~Rule 905. Where provided for in an approved rate schedule for commercial and industrial customers, a utility may grant a discount for prompt payment of a bill for service or may make a late payment charge for failure to make prompt payment. A late payment charge may be applied to the unpaid balance if the bill is not paid in full on or before the due date.~~

~~R 460.3906 Delivery and payment of bills. **Rescinded.**~~

~~Rule 906. A bill shall be mailed or delivered to the customer not less than 21 days before the due date, unless otherwise approved by the commission. Failure to receive a bill properly rendered by the utility does not extend the net bill period. If the date on which the net bill is due falls on Saturday, Sunday, or a nationally recognized holiday, the bill shall be due on the next business day. Customers who mail remittances before midnight of the last day of the net bill period shall receive the benefit of the net bill—the date of mailing to be determined as 2 days before its receipt by the utility.~~

~~R 460.3907 Transfer of unpaid balance. **Rescinded.**~~

~~Rule 907. In the event of shutoff or termination of service to a nonresidential customer, a utility may transfer an unpaid balance to any other nonresidential account of the customer.~~

~~R 460.3908 Notice of shutoff. **Rescinded.**~~

~~Rule 908. Not less than 10 days before the proposed shutoff of service to a commercial or industrial facility that is occupied by more than 5 business entities that are not responsible for payment of the bill, a utility shall make a reasonable attempt to notify each occupant that service may be subject to shutoff after a specified date.~~

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**NOTICE OF PUBLIC HEARING**

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**CASE NO. U-14853; SOAHR #2006-013  
STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING  
REGARDING THE PROMULGATION OF ADMINISTRATIVE RULES  
GOVERNING BILLING PRACTICES APPLICABLE TO COMMERCIAL AND INDUSTRIAL  
ELECTRIC AND GAS CUSTOMERS AND THE PROMULGATION OF ADMINISTRATIVE  
RULES GOVERNING TECHNICAL STANDARDS FOR ELECTRIC SERVICE  
CASE NO. U-14852; SOAHR #2006-015**

- The Michigan Public Service Commission is considering the revision of rules governing billing practices for commercial and industrial electric and gas customers, and the rules governing technical standards for electric service. The Commission is considering rescinding R 460.2071 to R 460.2086 and adopting new rules entitled “Billing Practices Applicable to Commercial and Industrial Electric and Gas Customers;” and rescinding R 460.3306, R 460.3401 to R 460.3404, R 460.3406, R 460.3407, and R 460.3901 to R 460.3908, and revising rules under the new title “Technical Standards for Electric Service.” The majority of the rule revisions involve moving the billing rules from their current location in a rule set that governs technical standards for electric utilities to a rule set that governs billing practices only. Therefore, the revisions to both rule sets will be addressed in this hearing. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed rules and revisions. These rules are proposed to take effect immediately upon filing with the Secretary of State.
- The information below describes how a person may participate in this case.
- You may call or write the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909, 800.292.9555 for a free copy of the proposed rules. Any person may review the rules at the Commission offices, or on the Commission’s E-Docket Website at [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). The rules are published in the November 15, 2007 issue of the Michigan Register under SOAHR #2006-013 and #2006-015.
- The public hearing will be held:

**DATE:** November 20, 2007

**TIME:** 9:00 a.m.

**LOCATION:** Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate.

The hearing site is accessible, including handicapped parking. People needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 at least a week in advance to request mobility, visual, hearing or other assistance.

These rules revise the billing practices for commercial and industrial electric and gas customers, and the technical standards for electric service. The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed rules. The public hearing will continue until all parties present have had a reasonable opportunity to present statements regarding the proposed rules. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on December 11, 2007. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Participants may file comments electronically via the Commission's E-Dockets System. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure. All comments should reference Case Nos. U-14852 and U-14853. All comments will be filed in both cases.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

October 25, 2007  
Lansing, Michigan

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**PROPOSED ADMINISTRATIVE RULES**

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SOAHR 2006-015

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

PUBLIC SERVICE COMMISSION

**BILLING PRACTICES APPLICABLE TO COMMERCIAL AND INDUSTRIAL ELECTRIC AND  
GAS CUSTOMERS**

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Draft-9/28/2007

(By authority conferred on the public service commission by section 2 of 1909 PA 300, section 5 of 1919 PA 419, and section 6 of 1939 PA 3, MCL 460.55, MCL 460.6, and MCL 462.2(12).)

R 460.2071, R 460.2072, R 460.2074, R 460.2075, R 460.2076, R 460.2077, R 460.2078, R 460.2079, R 460.2080, R 460.2081, R 460.2082, R 460.2083, R 460.2084, R 460.2085, and R 460.2086 of the Michigan Administrative Code are rescinded, and R 460.160101, R 460.1602, R 460.1603, R 460.1604, R 460.1605, R 460.1606, R 460.1607, R 460.1608, R 460.1609, R 460.1610, R 460.1611, R 460.1612, R 460.1613, R 460.1614, R 460.1615, R 460.1616, R 460.1617, R 460.1618, R 460.1619, R 460.1620, R 460.1621, R 460.1622, R 460.1623, R 460.1624, R 460.1625, R 460.1626, R 460.1628, R 460.1629, R 460.1630, R 460.1631, R 460.1632, R 460.1633, R 460.1634, R 460.1635, R 460.1636, R 460.1637, R 460.1638, R 460.1639 and R 460.1640 are added to the Code as follows:

R 460.2071 ~~Applicability; purpose.~~ Rescinded.

~~Rule 1. (1) These rules apply to gas companies which operate within the state of Michigan under the jurisdiction of the commission and which sell or transport gas to retail customers.~~

~~(2) These rules are intended to provide standards for uniform and reasonable practices by utilities in dealing with commercial and industrial customers.~~

R 460.2072 ~~Definitions.~~ Rescinded.

~~Rule 2. As used in these rules:~~

~~(a) "Billing error" means an undercharge or overcharge caused by the use of an incorrect actual meter read, incorrect pressure factor, incorrect calculation of the applicable rate, or other similar act or omission by the utility in determining the proper amount of a customer's bill. A bill based on an estimated meter read or a customer read does not constitute a billing error.~~

~~(b) "Commission" means the Michigan public service commission.~~

~~-(c) "Customer" means any person, firm, association, corporation, or government agency that is supplied with gas service by a utility for commercial and industrial purposes, including service to schools and centrally metered apartment buildings.~~

~~-(d) "Meter" means a device that measures the quantity of gas used by a customer, including a device that measures the heat content of gas.~~

~~-(e) "Utility" means a gas distribution company that operates under the jurisdiction of the commission and sells or transports gas to retail customers.~~

R 460.2074 ~~Selection of rate.~~ Rescinded.

~~Rule 4. The utility shall assist the customer or prospective customer in selecting the most economical rate schedule based on information supplied by the customer; however, selection of the appropriate rate is the responsibility of the customer. Once the selection is made, the customer shall stay on that rate not less than 12 months unless the customer demonstrates that an earlier change is requested for a permanent rather than a temporary or seasonal advantage.~~

R 460.2075 ~~Meter reading interval.~~ Rescinded.

~~Rule 5. The utility shall schedule customer meters to be read monthly, except that authority may be obtained from the commission for reading the meters at other than monthly intervals. To the extent practicable, utilities shall not send a customer 2 successive estimated bills. The utility may permit a customer to supply meter readings on a form furnished by the utility if an employee of the utility reads the meter at least once each 12 months.~~

R 460.2076 ~~Cycle billing.~~ Rescinded.

~~Rule 6. A utility may bill its customers on a cyclical basis if the individual customer receives each billing on or about the same day of each billing month. If a utility changes meter reading routes or schedules, billing cycles may be altered upon 10 days' written notice to the affected customer.~~

R 460.2077 ~~Billing information.~~ Rescinded.

~~Rule 7. The utility shall bill each customer promptly after reading the meter. The bill shall show all of the following information:~~

~~-(a) The beginning and ending meter readings of the billing period and the dates thereof.~~

~~-(b) The due date.~~

~~-(c) The number of units metered.~~

~~-(d) The actual rates charged.~~

~~-(e) The amount due.~~

~~-(f) A distinct marking to identify an estimated bill.~~

~~-(g) The address and telephone number of the utility designating where the customer may initiate an inquiry or complaint regarding the bill as rendered or the service provided by the utility.~~

R 460.2078 ~~Discounts and delayed payment charges.~~ Rescinded.

~~Rule 8. Where provided in an approved rate schedule, a utility may grant a discount for prompt payment of a bill or may make a delayed payment charge for failure to make prompt payment. A delayed payment charge shall be applied to the unpaid balance outstanding, net of taxes, if the bill is not paid in full on or before the date on which the bill is due.~~

R 460.2079 ~~Delivery and payment of bills.~~ Rescinded.

~~Rule 9. A bill shall be mailed or delivered to the customer not less than 21 days before the due date. Failure to receive a bill properly mailed or delivered by the utility does not extend the due date. If the day on which the bill is due falls on Saturday, Sunday, or a holiday, the bill shall be due on the next business day. Customers who mail remittances before midnight on the due date shall be considered to have timely paid. In the case of an illegible postmark, the date of mailing shall be considered to be 2 days before receipt by the utility.~~

R 460.2080 ~~Special service.~~ Rescinded.

~~Rule 10. A utility may include charges for special services together with charges for utility service on the same monthly bill if the charges for special services are designated clearly and separately from the utility service account. If partial payment is made, and if no designation of the payment is given by the customer, the utility shall first credit all payments to the balance outstanding for utility service.~~

R 460.2081 ~~Billing errors.~~ Rescinded.

~~Rule 11. (1) If a customer has been overcharged, the amount of the overcharge shall be refunded or credited to the customer. The refund or credit shall include interest computed at the same rate as that provided for in the utility's standard refund policy. The application of interest shall commence on the sixtieth day following the overcharge. A utility is not required to adjust, refund, or credit an overcharge beyond the 3-year period immediately preceding discovery of the billing error, unless the customer is able to present a record establishing an earlier date of occurrence or commencement of the error.~~

~~(2) In cases of meter tampering or fraud, the customer may be backbilled for the amount of the undercharge. The backbill may include interest at the same rate as that provided for in the utility's standard refund policy.~~

~~(3) In cases not involving meter tampering or fraud, the customer may be backbilled for the amount of the undercharge during the 12-month period immediately preceding discovery of the error. The utility shall offer the customer reasonable payment arrangements for the amount of the backbill, taking into account the period of the undercharge. The backbill shall not include interest.~~

R 460.2082 ~~Customer complaints; investigation; records.~~ Rescinded.

~~Rule 12. The utility shall promptly and thoroughly investigate customer complaints concerning the charges, practices, facilities, or services of the utility. The utility shall keep records of customer complaints that will enable the utility to review and analyze its procedures and actions.~~

R 460.2083 ~~Customer deposits.~~ Rescinded.

~~Rule 13. (1) A utility may require a deposit from a new customer if service will be rendered for less than 12 months, the customer has an existing bad debt with any company regulated by the commission, or the customer does not have an established credit rating or an unfavorable credit rating with a credit reporting agency.~~

~~(2) A utility may, with proper notification, require a deposit from a new customer if the customer exhibits an unsatisfactory record of bill payment within the first 6 months after service has commenced. Payment of bills on or before the due date shall constitute a satisfactory record of bill payment.~~

~~(3) An existing customer shall be classified as one who has received service for more than a 6-month period. A utility may require a deposit from an existing customer if 2 or more final disconnect notices have been issued within the most recent 12-month period, service has been discontinued for nonpayment, or the customer has tampered with the meter or converted company gas to the customer's use.~~

~~(4) A deposit shall not be more than 25% of the customer's annual bill. The utility shall provide reasonable terms for the payment of the deposit.~~

- ~~–(5) A deposit may be retained by the utility until the customer compiles a record of 12 continuous months of bill payment on or before the due date.~~
- ~~–(6) Interest shall be paid on deposits at a rate of 9% per annum pursuant to the provisions of Act No. 347 of the Public Acts of 1921, as amended, being S460.651 et seq. of the Michigan Compiled Laws, or as otherwise provided by law.~~
- ~~–(7) If service is terminated, the utility may apply the deposit, plus accrued interest, to the customer's unpaid balance. If the deposit plus accrued interest is more than the unpaid balance, the excess shall be returned to the customer.~~
- ~~–(8) Each utility shall keep records that show all of the following information:~~
  - ~~–(a) The name and address of each depositor.~~
  - ~~–(b) The amount and date of the deposit.~~
  - ~~–(c) Each transaction concerning the deposit.~~
- ~~–(9) Each utility shall issue a receipt of deposit to each customer from whom a deposit is received and shall provide means whereby a depositor may establish a claim if the receipt is lost.~~
- ~~–(10) A record of each unclaimed deposit shall be maintained for not less than 3 years, during which time the utility shall make a reasonable effort to return the deposit.~~
- ~~–(11) Each utility shall, within 60 days of the effective date of this rule, send a notice explaining the conditions under which a deposit may be required to all existing customers. This notice shall also be provided to new customers within 30 days after service has commenced or, at the utility's option, with the first bill rendered.~~

R 460.2084 ~~Discontinuation, termination, or denial of service.~~ Rescinded.

- ~~–Rule 14. (1) Service to customers may be discontinued for nonpayment of a delinquent account for gas service or for failure of the customer to provide the utility with a deposit as authorized in R 460.2083. Service shall not be discontinued for failure to pay for merchandise or nonutility service purchased from the utility. In the event of discontinuation or termination of service at a separate commercial or industrial metering point or location, a utility may transfer any unpaid balance to any other commercial or industrial service account of the customer.~~
- ~~–(2) The utility shall give the customer written notice that the customer has 10 days to settle the account or provide the required deposit or service will be discontinued at the end of the 10-day period.~~
- ~~–(3) At least 1 day before a scheduled discontinuation of service, an attempt shall be made to contact the customer by telephone or in person. If contact is not made, a notice shall be left at the premises in a conspicuous location indicating that service may be disconnected the next business day if the bill or deposit is not paid.~~
- ~~–(4) Service shall not be discontinued on a day, or a day immediately preceding a day, when the utility does not provide for receiving payments and restoring service.~~
- ~~–(5) Service to centrally metered apartment buildings shall not be discontinued unless the provisions of R 460.2162(1)(d) have been complied with.~~
- ~~–(6) Service may be denied or discontinued for nonpayment of unpaid balances of any other commercial or industrial account incurred by the customer under a different account name, by the customer's predecessor in interest, or by any other entity, the debt of which the customer is legally obligated to assume.~~

R 460.2085 ~~Settlement agreement.~~ Rescinded.

- ~~–Rule 15. (1) If the utility and the customer arrive at a mutually satisfactory settlement of any claim in dispute or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, a utility shall offer the customer an opportunity to enter into a settlement agreement.~~

~~–(2) A settlement agreement shall be in writing and signed by representatives of the customer and the utility who are authorized to enter into the agreement. The original settlement agreement shall be maintained on file by the utility for 2 years.~~

~~–(3) Every settlement agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.~~

R 460.2086 ~~Default of settlement agreement.~~ Rescinded.

~~–Rule 16. (1) If a customer fails to comply with the terms and conditions of a settlement agreement, a utility may discontinue service after notifying the customer, in writing, by personal service or first-class mail, of all of the following:~~

~~–(a) That the customer is in default of the settlement agreement.~~

~~–(b) The nature of the default.~~

~~–(c) That unless full payment of the claim is made within 10 days of mailing, the utility will discontinue service.~~

~~–(d) The date upon which service is scheduled to be discontinued.~~

~~–(2) A utility is not required to enter into any subsequent settlement agreement with a customer until the terms of any previous settlement agreement have been fully complied with.~~

~~–(3) A utility is not required to enter into any subsequent settlement agreement with a customer who defaults upon the terms and conditions of a previous agreement.~~

~~–(4) If a settlement agreement is reached following a notice of discontinuance, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days after the agreement is made constitutes a waiver of the notice required by subrule (1) of this rule. However, before discontinuance, a utility shall comply with the notice requirements of R 460.2084(3).~~

## PART 1. GENERAL PROVISIONS

R 460.1601 Applicability; purpose.

Rule 1. (1) These rules apply to electric and gas utility companies which operate within the state of Michigan under the jurisdiction of the commission and which sell or transmit electricity or sell and transport gas to retail customers.

(2) These rules are intended to promote safe and adequate service to the public and to provide standards for uniform and reasonable practices by electric and gas utilities in dealing with commercial and industrial customers.

(3) These rules do not relieve a utility from any of its duties under the laws of the state of Michigan.

## PART 2. DEFINITIONS

R 460.1602 Definitions.

Rule 2. As used in these rules:

(a) “Actual meter reading” means a gas or electric meter reading that was performed by a company representative, by the customer and communicated to the company, or that was transmitted by an automated meter reading device that is based on the customer’s actual energy use during the period reported.

(b) “Applicant” means a person or agent over the age of 18 requesting retail utility gas or electric service on behalf of a commercial or industrial entity.

(c) “Billing error” for gas and/or electric customers means an undercharge or overcharge caused by any of the following:

- (i) An incorrect actual meter read.
- (ii) An incorrect remote meter read.
- (iii) An incorrect meter constant.
- (iv) An incorrect calculation of the applicable rate.
- (v) A switched meter.
- (vi) An incorrect application of the rate schedule.
- (vii) An incorrect pressure factor or incorrect calculation of the applicable rate.
- (viii) Other similar act or omission by the utility in determining the amount of a customer’s bill. An undercharge or overcharge that is caused by a nonregistering meter, a metering inaccuracy, or the use of an estimated meter read or a customer read is not a billing error.

(d) “Commission” means the Michigan public service commission.

(e) “Complaint determination” means the written decision of a hearing officer with respect to an informal hearing.

(f) “Customer” means any person, firm, association, corporation, or government agency that is supplied with electric or gas service by a utility regulated by the Michigan public service commission for commercial and industrial purposes, including service to schools and centrally metered apartment buildings.

(g) “Existing customer” means a customer who received service for more than a 6-month period.

(h) “Hearing officer” means a notary public who is qualified to administer oaths to conduct informal small commercial customer hearings against the utility company and who is on a list on file with the commission.

(i) “Informal appeal” means an appeal of a complaint determination of a hearing officer made to the commission staff.

(j) “Informal hearing” means a dispute resolution process for small commercial customers that is administered by a hearing officer.

(k) “Meter” means a device that measures the quantity of gas used by a customer, including a device that measures the heat content of gas or a device that measures and registers the amount of electrical power used.

(l) “Positive identification information” means a consistently used appropriate identification including, but not limited to, a driver’s license or ID card issued by a state, U.S. military card, military dependent’s ID card, native American tribal document, or passport.

(m) “Regulation officer” means a member of the commission staff who is designated to perform responsibilities in accordance with these rules.

(n) “Settlement agreement” means a documented agreement that is entered into by a customer and a utility and that resolves any matter in dispute or provides for the payment of amounts not in dispute over a reasonable period of time.

(o) “Small commercial customer” means a commercial customer with usage of 500 Mcf of gas or less per year or 60,000 kWh of electric usage or less per year.

(p) “Space heating season” means the period between November 1 and March 31.

(q) “Submit” means to deliver to the commission’s designated representative.

(r) “Transmit” means to convey or dispatch.

(s) “Unauthorized use of utility service” means theft, fraud, interference, or diversion of service, including not but limited to, meter tampering (for example, any act which affects the proper registration of service through a meter), bypassing (for example, unmetered service that flows through a device connected between service line and customer facilities), and unauthorized service restoration.

(t) “Utility” means a person, firm, corporation, cooperative, association, or other legal entity that is subject to the jurisdiction of the commission and that distributes or sells electricity or natural gas for commercial or industrial use.

R 460.1603 Discrimination prohibited.

Rule 3. A utility shall not discriminate against or penalize a customer for exercising any right granted by these rules.

R 460.1604 Form of proceedings.

Rule 4. The informal procedures required by these rules shall not constitute a contested case as defined by section 3 of 1969 PA 306, MCL 24.203.

R 460.1605 Additional rules.

Rule 5. A utility may adopt additional rules governing relations with its customers that are reasonable and necessary and that are not inconsistent with these rules. The utility's rules shall be an integral part of its tariffs and shall be subject to approval by the commission. If there is a conflict between these rules and a utility's rules or tariffs, these rules govern.

### PART 3. SERVICE FOR NEW CUSTOMERS

R 460.1606 Application for new service.

Rule 6. Applicants for service may become new customers by requesting service in person at the utility company office, in writing, via telephone, fax, internet or other means of communication. Using any of these methods, an applicant shall do all of the following:

- (a) Provide positive identification information.
- (b) Show ownership or a lease for the property.
- (c) Pay a deposit as a new customer, if applicable.

### PART 4. GENERAL CUSTOMER DEPOSIT CONDITIONS

R 460.1607 Customer deposits.

Rule 7. (1) Except as provided in this subrule, a utility shall not require a deposit from a new customer as a condition of receiving service. A utility may, with proper notification, require a deposit from a new customer if the customer exhibits an unsatisfactory record of bill payment within the first 6 months after service has commenced. A utility may also require a deposit from a new customer if the customer has an unfavorable credit rating with a credit reporting agency, or an unpaid delinquent bill for utility service.

(2) A utility may require a deposit from an existing customer if 2 or more final disconnect notices have been issued within the most recent 12-month period, service has been discontinued for nonpayment, or the customer has engaged in unauthorized use of utility electric or gas service.

(3) A deposit for customers whose electric usage is 60,000 kWh or less per year or whose gas usage is 500 Mcf or less per year shall not be more than 15% of the customer's annual electric or gas bill. Customers whose electric usage exceeds 60,000 kWh per year or whose gas usage exceeds 500 Mcf per year may be required to pay a deposit equal to 25% of the customer's annual electric or gas bill.

(4) A deposit may be retained by the utility until the customer compiles a record of 12 continuous months of bill payment on or before the due date.

(5) Interest shall be paid on deposits at a rate of 7% per annum.

(6) If service is terminated, the utility may apply the deposit, plus accrued interest, to the customer's unpaid balance. If the deposit plus accrued interest is more than the unpaid balance, then the utility shall return the excess to the customer.

(7) Each utility shall keep records that show all of the following information:

(a) The name and address of each depositor.

(b) The amount and date of the deposit.

(c) Each transaction concerning the deposit.

(8) Each utility shall issue a receipt of deposit to each customer from whom a deposit is received and shall provide means whereby a depositor may establish a claim if the receipt is lost.

(9) The utility shall make reasonable efforts to locate customers due unclaimed deposits and credits. Deposits and credits unclaimed for more than 2 years after termination of service shall be deposited by the utility into its low-income and energy efficiency fund or other similar fund, as determined by the commission.

(10) Each utility shall, within 60 days of the effective date of this rule, transmit a notice explaining the conditions under which a deposit may be required to all existing customers. This notice shall also be provided to new customers within 30 days after service has commenced or, at the utility's option, with the first bill rendered.

(11) During the space heating season a small commercial customer shall not pay a deposit unless that customer has been shut off for nonpayment during the prior 12 months or where unauthorized use of utility service has occurred. A customer deposit under this rule may not exceed the customer's average monthly bill.

(12) The utility may, at its option, accept an irrevocable financial institution letter of credit, a surety bond, or other corporate guarantee instead of a deposit.

## PART 5. METER READING, ESTIMATED BILLS, BILLING ADJUSTMENTS, VOLUNTARY TERMINATION, AND METER RELOCATION

### R 460.1608 Meter reading interval and estimated bills.

Rule 8. (1) Except as specified in this rule, a utility shall provide all commercial and industrial customers with an actual monthly meter read. The utility may permit a customer to supply meter readings on a form furnished by the utility if an employee of the utility reads the meter at least once each 12 months. A utility may not send a customer 2 consecutive estimated bills unless authorized by the commission. A bill that is rendered on an estimated basis shall be clearly and conspicuously identified as such. Estimated bills shall not be rendered unless estimating procedures have been approved by the commission.

(2) A utility may render estimated bills to seasonally billed customers in accordance with the tariffs approved by the commission.

(3) Except for seasonally billed customers, bills may be estimated only if the utility representative is unable to gain access to the meter or meter reading equipment failure occurs. If a meter reading equipment failure occurs, the equipment shall be promptly replaced or repaired so that not more than 1 estimated bill is necessary.

(4) If the utility estimates a customer's bill for 2 or more consecutive months, notwithstanding the provisions of subrules (1) and (3) of this rule, when an actual read is obtained the utility shall offer small commercial customers the opportunity to pay the bill in equal monthly payments over the same number of months as consecutively estimated bills.

(5) An estimated bill generated because the actual read is outside the range for the premise usage shall not be issued in consecutive months. If the utility is actively engaged in resolving the problem, then an additional 30 days is permitted to correct the problem and obtain an actual meter reading.

R 460.1609 Metering inaccuracies; billing adjustments.

Rule 9. If any utility meters are determined to be inaccurate as described in the Technical Standards for Gas Service, R 460.2301 to 460.2384, or Technical Standards for Electric Service, R 460.3101 to 460.3804, then a utility shall make customer billing adjustments in accordance with these rules.

R 460.1610 Voluntary termination.

Rule 10. (1) A utility customer or authorized representative shall do all of the following:

(a) Notify the utility in person, or by telephone, in writing, by fax or on the internet at least 10 business days prior to requested service termination.

(b) Allow access to the utility, if necessary, to perform a final meter read.

(c) Provide an address for final billing at the time of request for a final read.

(2) The utility shall do both of the following:

(a) Provide a final actual meter reading within 10 business days of the request for termination or estimate the final read and offer the customer the option to provide an actual read. If the meter is not read within the 10-day time frame, then the utility must document the reason for no actual reading. A meter read shall be obtained by the next normal reading cycle.

(b) Schedule the customer's final read within a 4-hour time frame if meter access is an issue.

R 460.1611 Meter relocation charge.

Rule 11. (1) A utility may assess a meter relocation charge in any of the following situations:

(a) The utility shut off service by disconnection at the street or pole because the utility could not obtain access to the meter.

(b) The customer or another responsible adult refused to permit the utility access to the meter on 2 separate occasions or on a single occasion if harm is threatened, and the utility can produce documentation of requests for access and/or requests for the customer to perform a meter reading that were refused.

(c) The utility shut off service due to unauthorized use of utility service or the customer acknowledges personal responsibility and the utility bills the customer for unauthorized use of utility service.

(d) The customer requests that the utility relocate the meter.

(2) If the utility moves the meter for reasons other than the reasons in subrule (1) of this rule, and the customer wants the meter placed in a different location than that selected by the utility, then the customer shall pay any additional costs.

## PART 6. BILLING AND PAYMENTS

R 460.1612 Cycle billing.

Rule 12. A utility may use cycle billing if each customer receives a bill on or about the same day of each billing month. If a utility changes meter reading routes or schedules by more than 7 days, it shall provide notice to affected customers at least 10 days before making the change.

R 460.1613 Billing information.

Rule 13. (1) The utility shall bill each customer promptly after reading the meter. The bill shall show all of the following information:

(a) The beginning and ending meter readings of the billing period and the dates thereof.

(b) The due date.

(c) The number and kind of units metered.

(d) The applicable rate schedule or identification of the applicable rate schedule. If the actual rates are not shown, then the bill shall carry a statement to the effect that the applicable rate schedule will be furnished on request.

(e) The gross amount or net amount of the bill, or both, including any applicable tax shown separately from the net amount.

(f) The date by which the customer must pay the bill to benefit from any discount or to avoid any penalty.

(g) A distinct marking to identify an estimated bill.

(h) Any conversions from meter reading units to billing units, any calculations to determine billing units from recording or other devices, or any other factors, such as power supply cost recovery adjustments, used in determining the bill.

(i) The address and telephone number of the utility designating where the customer may initiate an inquiry or complaint regarding the bill as rendered or the service provided by the utility.

(2) In place of the billing information in subrule (1)(h) of this rule, a statement may appear on the bill advising the customer that the information can be obtained by contacting the utility's principle office. Any multiplier used to determine billing units shall be shown when used.

(3) If the billing period differs from the meter reading cycle and the reading data is calculated from actual metered data, then the actual meter reading shall be shown on the bill.

#### R 460.1614 Discounts and delayed payment charges.

Rule 14. Where provided in an approved rate schedule, a utility may grant a discount for prompt payment of a bill or may include a delayed payment charge for failure to make prompt payment. Unless the utility's tariff states otherwise, a delayed payment charge of not more than 2%, not compounded, may be applied to the unpaid balance outstanding, net of taxes, if the bill is not paid in full on or before the date on which the bill is due.

#### R 460.1615 Delivery and payment of bills.

Rule 15. A bill shall be mailed, transmitted, or delivered to the customer not less than 22 days before the due date. Failure to receive a bill properly mailed, transmitted, or delivered by the utility does not extend the due date. If the day on which the bill is due falls on Saturday, Sunday, or a holiday, then the bill shall be due on the next business day. Customers who mail remittances before midnight on the due date shall be considered to have timely paid. If the postmark is illegible, the date of mailing shall be 2 days before receipt by the utility.

#### R 460.1616 Special service.

Rule 16. A utility may include charges for special services with charges for utility service on the same monthly bill if the charges for special services are designated clearly and separately from the utility service account. If partial payment is made, and if no designation of the payment is given by the customer, then the utility shall first credit all payments to the balance outstanding for utility service.

#### R 460.1617 Billing errors.

Rule 17. (1) If a customer has been overcharged, then the utility shall refund or credit the amount of the overcharge to the customer. Overcharges shall be credited to customers with 7% interest. A utility is not required to adjust, refund, or credit an overcharge beyond the 3-year period immediately preceding discovery of the billing error, unless the customer is able to present a record establishing an earlier date of occurrence or commencement of the error.

(2) In cases of unauthorized use of utility service the customer may be back billed for the amount of the undercharge. The back bill may include interest at the same 7% interest rate applied to overcharges.

(3) In cases not involving unauthorized use of utility service, the customer may be back billed for the amount of the undercharge during the 12-month period immediately preceding discovery of the error. The utility shall offer the customer at least the same number of months for repayment equal to the time of the error. The back bill shall not include interest.

## PART 7. CUSTOMER RELATIONS AND UTILITY PROCEDURES

R 460.1618 Selection of rate, customer information, and service.

Rule 18. Each utility shall do all of the following:

(a) Maintain information necessary to advise the customer or prospective customers and others entitled to the information about the facilities available to serve prospective customers in the utility's service area.

(b) Assist the customer in selecting the most economical rate schedule based on information supplied by the customer; however, selection of the appropriate rate is the responsibility of the customer. Once the selection is made, the customer shall stay on that rate not less than 12 months unless the customer notifies the utility of permanent changes in the conditions of service that warrant a different rate schedule.

(c) Notify customers affected by a proposed change in rates or schedule classification by publishing a notice in newspapers of general circulation in the utility's service area, by giving notice to customers individually, or as otherwise required by the commission.

(d) Post suitable signs in conspicuous locations at all bill payment offices that are operated by the utility indicating that the rules, regulations, rate schedules, proposed rate schedules, explanations of rate schedules, and explanations of proposed rate schedules are on file and available for inspection. Upon request, a utility shall provide 1 copy of the rules, explanations, or schedules to a customer without charge.

(e) Upon request, inform the utility's customers as to the method of reading meters.

(f) Furnish any reasonable additional information.

R 460.1619 Inspection.

Rule 19. A utility shall permit authorized staff of the commission to inspect all of the utility's operations that relate to customer service.

R 460.1620 Customer access to consumption data.

Rule 20. A utility shall provide to each customer, upon request, a clear and concise statement of the customer's actual energy usage, or degree-day adjusted energy usage, for each billing period during the last 12 months, unless that data is not reasonably ascertainable by the utility. A utility shall notify its customers at least once each year in writing, or by whatever method is used to transmit the customers' bills, that a customer may request consumption data.

R 460.1621 Servicing utility equipment on customer's premises.

Rule 21. Each utility shall service and maintain its equipment used on a customer's premises and shall correctly set and keep in proper adjustment any devices that control the customer's service in accordance with the utility's rate schedules.

R 460.1622 Customer complaints; investigation; records.

Rule 22. The utility shall promptly and thoroughly investigate customer complaints concerning the charges, practices, facilities, or services of the utility. The utility shall keep records of customer

complaints that will enable the utility to review and analyze its procedures and actions. The records shall be available to the commission.

R 460.1623 Records and reports.

Rule 23. Upon request by the commission or its designated representative, records which are required by these rules or which are necessary for the administration of these rules shall be available within the state of Michigan for examination by the commission or its designated representative.

## PART 8. SHUTOFFS AND RESTORATION

R 460.1624 Notice of shutoff.

Rule 24. (1) Not less than 10 days before the proposed shutoff of service to a commercial or industrial facility, the utility shall send a notice to the customer that includes the following information:

(a) A clear and concise reason for the proposed shutoff of service.  
(b) The date on or after which the utility may shut off service unless the customer takes appropriate action.

(2) Not less than 10 days before the proposed shutoff of service to a commercial or industrial facility that is occupied by more than 5 business entities that are not responsible for payment of the bill, a utility shall make a reasonable attempt to notify each occupant that service may be subject to shutoff after a specified date.

R 460.1625 Denial or shutoff of service to commercial and industrial customers.

Rule 25. (1) Service to commercial and industrial customers may be denied or shut off for any of the following reasons:

(a) Without notice, if a condition on the customer's premises is determined by the utility or a governmental agency to be hazardous.

(b) Without notice, if a customer uses equipment in a manner that adversely affects the utility's equipment or the utility's service to others.

(c) Without notice, for unauthorized use of utility service.

(d) Without notice, if unauthorized use of the equipment furnished and owned by the utility occurs, including obtaining the use of equipment by submitting a falsified application.

(e) For violation of, or noncompliance with, the utility's rules on file with, and approved by, the commission.

(f) For failure of the customer to fulfill his or her contractual obligations for service or facilities that are subject to regulation by the commission.

(g) For failure of the customer to permit the utility reasonable access to the utility's equipment.

(h) For failure of the customer to provide the utility with a deposit as authorized by these rules.

(i) For nonpayment of a delinquent account for electric or gas service.

(j) For nonpayment of unpaid balances on any other commercial or industrial account incurred by the customer under a different account name by the customer's predecessor in interest, or by any other entity, the debt of which the customer is legally obligated to assume.

(2) Service to commercial and industrial customers may not be denied for the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

(b) Failure to pay for items such as merchandise, appliances, or services that are not approved by the commission as an integral part of the electric or gas service provided by the utility.

(c) Failure to pay for a different type or class of utility service.

(d) Failure to pay the bill of another customer as guarantor.

(3) Service shall not be shut off during a reasonable time period given to a customer to pay the amount of a back billing as provided in these rules.

(4) If a shutoff or termination of service to a nonresidential customer occurs, then a utility may transfer an unpaid balance to any other nonresidential account of the customer.

R 460.1626 Manner of shutoff for service provided with remote shutoff and restoration capability.

Rule 26. (1) For an involuntary shutoff of service provided with remote shutoff and restoration capability, at least 1 day before shutoff of service, the utility shall make at least 2 attempts to contact the customer by telephone to advise the customer of the pending shutoff and the steps the customer must take to avoid shutoff. The utility shall either document all attempts to contact the customer or shall document that automated procedures are in place that will make at least 2 attempts to contact the customer by telephone. If the telephone number is not available, the customer has no telephone, or the telephone contacts are not made, then the utility shall either leave a notice at the premises advising the customer that service will be shutoff on or after the next business day or send notice by first-class mail postmarked at least 5 business days before shutoff of service is scheduled. The notice shall conspicuously state that the disconnection of service will be done remotely and that a utility representative will not return to the premises before disconnection.

(2) On the day service is scheduled to be shut off, in accordance with the notice provision of subrule (1) of this rule, the utility shall make at least 1 attempt to contact the customer by telephone to advise the customer of the shutoff and the steps the customer must take to avoid shutoff. The utility shall document all attempts to contact the customer.

(3) If the utility contacts the customer or other responsible person at the customer's premises by telephone on the day service is to be shut off, the utility shall inform the customer or other responsible person that shutoff of service is imminent and the steps that are necessary to avoid shutoff. Unless the customer presents evidence that reasonably demonstrates that the claim is satisfied or is in dispute, or the customer makes payment, the utility may shut off service.

(4) If the utility mailed the notice of shutoff to the customer as provided in subrule (1) of this rule, and if telephone contact with the customer cannot be made, then no further customer contact is required on the day service is to be shut off and the utility may shut off service.

## PART 9. DISPUTED CLAIMS, HEARINGS AND SETTLEMENT AGREEMENTS

R 460.1628 Disputed claim.

Rule 28. (1) If a customer advises a utility, before the date of the proposed shutoff of service, that all or part of a bill is in dispute, then the utility shall do all of the following:

(a) Immediately record the date, time, and place the customer made the complaint and transmit verification to the customer.

(b) Investigate the dispute promptly and completely.

(c) Advise the customer of the results of the investigation.

(d) Attempt to resolve the dispute informally in a manner that is satisfactory to both parties.

(e) Provide the opportunity for the customer to settle the disputed claim or to satisfy any liability that is not in dispute.

(2) A customer may advise a utility that a claim is in dispute in any reasonable manner, such as by written notice, in person, or by a telephone call directed to the utility.

(3) A utility, in attempting to resolve the dispute, may employ telephone communication, personal meetings, on-site visits, or any other technique that is reasonably conducive to obtaining a settlement.

R 460.1629 Settlement agreement.

Rule 29. (1) If the utility and the customer arrive at a mutually satisfactory settlement of any claim in dispute, or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, a utility shall offer the customer an opportunity to enter into a settlement agreement.

(2) The utility shall confirm the terms of the settlement agreement with the customer and shall send a signed copy of the settlement to the customer or the customer's authorized representative. The utility shall retain documentation of the original settlement agreement for 2 years. In case of a dispute over the terms of a settlement agreement, the utility shall have the burden of proving that the customer understood and accepted the terms of the settlement agreement.

(3) Every settlement agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.

(4) During the space heating season the required monthly payment on a settlement agreement for a small commercial customer may not exceed \$100 plus the amount of the customer's monthly electric bill or natural gas bill or, for a combined bill, the sum of the monthly electric and natural gas bills, except where unauthorized use of utility service has occurred.

#### R 460.1630 Default of settlement agreement.

Rule 30. (1) If a customer fails to comply with the terms and conditions of a settlement agreement, a utility may discontinue service after notifying the customer, in writing, by personal service or first-class mail, of all of the following:

- (a) That the customer is in default of the settlement agreement.
- (b) The nature of the default.
- (c) That unless full payment of the claim is made within 10 days of mailing of the notice, the utility will discontinue service.
- (d) The date upon which service is scheduled to be discontinued.

(2) A utility is not required to enter into any subsequent settlement agreement with a customer until the customer has fully complied with the terms of any previous settlement agreement.

(3) A utility is not required to enter into any subsequent settlement agreement with a customer who has defaulted upon the terms and conditions of a previous agreement.

(4) If a settlement agreement is reached following a notice of discontinuance, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days after the agreement is made constitutes a waiver of the notice required by subrule (1) of this rule. However, before discontinuance, a utility shall comply with the notice requirements of these rules.

#### R 460.1631 Informal hearing and hearing officers

Rule 31. (1) If the parties are unable to resolve the dispute, then the utility shall offer small commercial customers the opportunity for an informal hearing before a hearing officer selected from a list of hearing officers previously filed with the commission.

(2) If the customer chooses to have an informal hearing, then the customer shall do both of the following:

- (a) Notify the utility within 3 business days of acceptance of the utility offer for an informal hearing.
- (b) Pay the amount not in dispute, or, if the utility and customer cannot agree, pay 50% of the disputed amount.

(3) When the customer notifies the utility of the intent to pursue an informal hearing the utility shall do all of the following:

- (a) Complete the necessary investigation.

- (b) Schedule the hearing within 10 business days of the customer's request for a hearing.
- (c) Hold the hearing within 30 business days of the customer's request for a hearing.
- (4) If the customer fails to pay the part of the bill that is determined under subrule (2)(b) of this rule within 10 business days of the date that the utility sends the hearing notice, then the utility may exercise its right to shut off service pursuant to these rules.
- (5) A utility shall select hearing officers on the basis of all of the following:
  - (a) They are on the list of hearing officers filed with the commission.
  - (b) They are notaries public qualified to administer oaths.
  - (c) They are not engaged in any other activities for or on behalf of the utility.
- (6) If the dispute is ultimately resolved in favor of the customer, in whole or in part, then the utility shall return promptly any excess amount paid by the customer, with interest at the rate specified in these rules.

R 460.1632 Notice of hearing.

- Rule 32. (1) The utility shall personally serve the customer with written notice of the time, date, and place of the hearing on the day scheduling is determined.
- (2) The notice shall describe the hearing procedures as contained in these rules.
  - (3) The notice shall include the amount of the required payment and due date of 10 business days from the date of the notice.

R 460.1633 Hearing procedures.

- Rule 33. (1) A utility shall establish hearing procedures that ensure the impartiality and integrity of the hearing process and that provide the customer and the utility with all of the following:
- (a) The right to represent themselves or to be assisted by persons of their choice who are not attorneys.
  - (b) The right to examine, not less than 2 business days before a scheduled hearing, a list of all witnesses who will testify and all documents, records, files, account data, and similar material that may be relevant to the issues to be raised at the hearing.
  - (c) The right to present evidence, testimony, and oral and written argument.
  - (d) The right to question witnesses appearing on behalf of the other party.
- (2) A hearing shall be held during normal business hours. A utility shall take reasonable steps to ensure that a customer who is unable to attend a hearing due to physical incapacity is not denied the right to a hearing. Failure of the customer, or the utility, to attend the hearing without good reason, or without having requested an adjournment, constitutes a waiver of that party's right to the hearing.
- (3) The utility has the burden of proof by a preponderance of the evidence.
  - (4) All witnesses who appear for either party shall testify under oath.
  - (5) A hearing shall be informal and the proceedings need not be recorded or transcribed. All relevant evidence shall be received and the formal rules of evidence shall not apply.
  - (6) For each hearing where the customer has not put his or her position in writing, the hearing officer shall compile a record that contains all of the following:
    - (a) A concise statement, in writing, of the position of the utility.
    - (b) A concise statement, in writing, of the position of the customer.
    - (c) Copies of all evidence submitted by the parties.
  - (7) At the conclusion of the hearing, the hearing officer may orally state his or her findings and decision, or adjourn the hearing and inform the parties that the decision will be transmitted within 7 business days. At the request of the customer, the hearing officer shall adjourn the hearing and transmit the decision within 7 business days. In all cases, the hearing officer shall issue a complaint determination in a form that is approved by the commission. The complaint determination shall contain both of the following:

- (a) A concise summary of the evidence and arguments presented by the parties.
- (b) The decision, and the reasons for the decision, based solely upon the evidence received.
- (8) At the conclusion of the hearing and again upon issuance of the complaint determination, the hearing officer shall advise the customer and the utility of all of the following:
  - (a) That each party has the right to make an informal appeal to the commission staff, by mail, telephone, internet, fax, or in person, within 7 business days of issuance of the complaint determination.
  - (b) That, if appealed, the decision of the hearing officer, including a finding that service may be shut off, cannot be implemented until a review by the commission staff is completed.
  - (c) The address and telephone number where the customer or the utility may make an informal appeal to the commission staff.
- (9) Before issuance of a complaint determination, the hearing officer may propose a settlement to the parties. If both parties accept the settlement, it shall be put in writing and signed by both parties.
- (10) Within 7 business days of the conclusion of the hearing, the hearing officer shall serve the parties with all of the following:
  - (a) A copy of the complaint determination.
  - (b) Appeal information as provided in subrule (8) of this rule.
  - (c) If applicable, a copy of the signed settlement agreement as provided in subrule (9) of this rule.
- (11) The complaint determination and a copy of the signed settlement agreement, if any, shall be made part of the hearing record. The hearing officer shall certify the hearing record.
- (12) The complaint determination is binding upon the parties, unless appealed, as provided in these rules.
- (13) A utility's hearing procedures shall be subject to investigation and review by the commission.

#### R 460.1634 Informal appeal procedures

- Rule 34. (1) The commission staff shall assign the informal appeal to a regulation officer or another employee of the commission as the commission may designate. The officer or designated employee shall do all of the following:
- (a) Advise the appealing party of the procedures of the commission by telephone or in writing.
  - (b) Advise the other party that an informal appeal has been filed.
  - (c) Issue interim determinations as necessary.
  - (d) Review or investigate the appeal as provided in these rules.
  - (e) Issue an informal appeal decision.
- (2) Upon notification by the commission staff that an informal appeal has been made, the utility shall promptly file, with the commission staff, the certified hearing record. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record. In arriving at the informal appeal decision, the regulation officer or designated employee shall not be required to receive or consider any additional evidence or information.
- (3) In all informal appeals, the utility has the burden of proof by a preponderance of the evidence.

#### R 460.1635 Interim determination.

- Rule 35. (1) After receiving the hearing record and pending the final resolution of an informal appeal, the regulation officer or designated employee may issue an interim determination with appropriate terms and conditions. In the case of an appeal regarding a bill or deposit, the regulation officer or designated employee may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the shutoff of service as provided in these rules. The regulation officer or designated employee may consider the amounts that reasonably appear to reflect the cost of utility service in determining the undisputed portion of a claim.

(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing of the interim determination by first-class mail, then the utility may shut off service as provided in these rules.

R 460.1636 Appeal review.

Rule 36. The regulation officer or designated employee shall review the informal appeal thoroughly and, when necessary, conduct further investigation. A party may offer new evidence if the regulation officer or designated employee determines that it is relevant. When further investigation is necessary, the regulation officer or designated employee may request additional evidence or, at his or her own initiative, may hold an informal appeal conference with the parties or their representatives at a time and place designated by the officer or employee. If either party fails to appear at the informal conference without a good reason or without having requested an adjournment, then the right of the absent party to appear at the conference shall be waived. At an informal appeal conference, the parties may do all of the following:

- (a) Represent themselves or be assisted by persons of their choice who are not attorneys.
- (b) Offer oral and documentary evidence, which may be considered at the discretion of the regulation officer.
- (c) Refute, in a reasonable manner, the evidence of the other party.
- (d) Submit an oral or written statement of position.

R 460.1637 Shutoff pending decision.

Rule 37. A utility shall not shut off service or issue a notice of shutoff related to the matter in dispute pending the decision of the commission staff, except pursuant to the terms of an interim determination.

R 460.1638 Informal appeal decision.

Rule 38. The regulation officer or other employee so designated by the commission shall, within 30 days after the utility files the certified record, issue a written informal appeal decision affirming, modifying, or reversing the informal hearing determination. In reversing or modifying the informal hearing determination, the decision shall set forth the terms and conditions for continued service, shutoff, or a proposed settlement agreement, as required by the facts and circumstances. The decision shall state the relevant findings of fact, the reasons for the decision, and remedies for failure to comply with the informal appeal decision. A copy of the informal appeal decision shall be served personally or by first-class mail on the parties.

R 460.1639 Failure to comply with informal appeal decision.

Rule 39. Failure of either party to comply with the decision within 10 days from the date of service by mailing shall permit implementation of the action or remedy provided by the decision.

R 460.1640 Scope of rules.

Rule 40. (1) Nothing contained in these rules covering billing practices applicable to commercial and industrial electric and gas customers should be implemented in a manner that circumvents or is inconsistent with these rules, commission orders, or utility tariffs approved by the commission to ensure the safe and reliable delivery of energy service.

(2) After notice and an opportunity to be heard, utilities determined by the commission to be in violation of these rules shall be subject to all damages and fines contained within the statutes under which these rules are promulgated.

(3) Upon written request of a person, utility, or on its own motion, the commission may temporarily waive any requirements of these rules when it determines the waiver will further the effective and efficient administration of these rules and is in the public interest.

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**NOTICE OF PUBLIC HEARING**

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**CASE NO. U-14853; SOAHR #2006-015  
STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING  
REGARDING THE PROMULGATION OF ADMINISTRATIVE RULES  
GOVERNING BILLING PRACTICES APPLICABLE TO COMMERCIAL AND INDUSTRIAL  
ELECTRIC AND GAS CUSTOMERS AND THE PROMULGATION OF ADMINISTRATIVE  
RULES GOVERNING TECHNICAL STANDARDS FOR ELECTRIC SERVICE  
CASE NO. U-14852; SOAHR #2006-015**

- The Michigan Public Service Commission is considering the revision of rules governing billing practices for commercial and industrial electric and gas customers, and the rules governing technical standards for electric service. The Commission is considering rescinding R 460.2071 to R 460.2086 and adopting new rules entitled “Billing Practices Applicable to Commercial and Industrial Electric and Gas Customers;” and rescinding R 460.3306, R 460.3401 to R 460.3404, R 460.3406, R 460.3407, and R 460.3901 to R 460.3908, and revising rules under the new title “Technical Standards for Electric Service.” The majority of the rule revisions involve moving the billing rules from their current location in a rule set that governs technical standards for electric utilities to a rule set that governs billing practices only. Therefore, the revisions to both rule sets will be addressed in this hearing. The Commission will hold a public hearing to solicit comments from anyone who wishes to comment on the proposed rules and revisions. These rules are proposed to take effect immediately upon filing with the Secretary of State.
- The information below describes how a person may participate in this case.
- You may call or write the Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909, 800.292.9555 for a free copy of the proposed rules. Any person may review the rules at the Commission offices, or on the Commission’s E-Docket Website at [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). The rules are published in the November 15, 2007 issue of the Michigan Register under SOAHR #2006-013 and #2006-015.
- The public hearing will be held:

**DATE:** November 20, 2007

**TIME:** 9:00 a.m.

**LOCATION:** Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate.

The hearing site is accessible, including handicapped parking. People needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 at least a week in advance to request mobility, visual, hearing or other assistance.

These rules revise the billing practices for commercial and industrial electric and gas customers, and the technical standards for electric service. The hearing will be for the purpose of providing an opportunity for all interested persons to present statements, views, data, questions, or arguments concerning the proposed rules. The public hearing will continue until all parties present have had a reasonable opportunity to present statements regarding the proposed rules. Persons presenting statements may be asked questions by the Commission and its Staff, as well as by the presiding officer. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties have an opportunity to participate in the proceedings.

Written and electronic comments may be filed with the Commission and must be received no later than 5:00 p.m. on December 11, 2007. Written comments should be sent to the: Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. Electronic comments may be e-mailed to [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Participants may file comments electronically via the Commission's E-Dockets System. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure. All comments should reference Case Nos. U-14852 and U-14853. All comments will be filed in both cases.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

October 25, 2007  
Lansing, Michigan

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**PROPOSED ADMINISTRATIVE RULES**

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SOAHR 2006-074

MICHIGAN DEPARTMENT OF STATE POLICE

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

LAW ENFORCEMENT STANDARDS AND TRAINING

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Michigan commission on law enforcement standards by section 9 of 1965 PA 203, by section 9 of 1965 PA 380, and by Executive Reorganization Order 2001-2, MCL 28.621.)

Draft October 22, 2007

R 28.14301, R 28.14302, R 28.14303, R 28.14304, R 28.14305, R 28.14306, R 28.14307, R 28.14308, R 28.14309, R 28.14310, R 28.14311, R 28.14312, R 28.14313, R 28.14314, R 28.14315, R 28.14316, R 28.14317, R 28.14318, R 28.14319, R 28.14320 and R 28.14321 are added to the Michigan Administrative Code as follows:

### PART 3. BASIC RECRUIT LAW ENFORCEMENT TRAINING PROGRAMS

R 28.14301 Definitions.

Rule 301. As used in this part:

~~“Academy operating contract” means a basic law enforcement training academy standard form contract executed between MCOLES and an academy under the administrative procedures act, section 7, 1969 PA 306, MCL 24.207(p).~~

~~“Accredited community college, college, or university” means a community college, college, or university that has been accredited by an agency or association that has been recognized by the United States department of education.~~

"Agency basic law enforcement training academy" means a law enforcement agency that is approved by the commission to provide a course of study for qualified recruits employed by that law enforcement agency.

~~"Basic law enforcement training academy graduate" means a recruit who has completed the training and educational requirements of a commission approved basic law enforcement training academy.~~

"Curriculum" means the commission mandated training objectives and training standards, as well as facilitator guides, assessment instruments, and other materials that are published by the commission for

use in a commission approved basic law enforcement training academy.

“Executive committee” means the committee of the commission established pursuant to the commission bylaws.

~~“Preservice college basic law enforcement training academy” means a commission approved training and education program offered by an accredited community college, college, or university that incorporates the commission mandated curriculum in the academic course of study.~~

~~“Program administrator” means a person who is employed by a city, county, township, village, corporation, college, community college, university, or state agency and who has been delegated authority to commit the agency to the basic law enforcement training academy proposal, annual operating plan, and the academy operating contract. The program administrator shall have management and oversight authority of the academy but shall not be the same person as the training director.~~

“Regional basic law enforcement training academy” means a city, county, township, village, corporation, college, community college, university, or state agency that is approved by the commission to offer a basic law enforcement training program to preservice and employed recruits.

“Satisfactory grade” means a grade of 70%, 2.0 on a 4.0 scale, or an institutional equivalent, or better grade, in each course included in the commission approved course of study in a preservice college basic training academy, unless specified otherwise in these rules.

“Session” means a commission approved time frame during which a group of recruits are trained during basic law enforcement training at an academy.

~~“Training and education advisory committee” means a group composed of knowledgeable persons, including law enforcement officials, who act in an advisory capacity regarding the establishment, guidance, and evaluation of a commission approved basic law enforcement training academy.~~

“Training director” means that person who is responsible for the day-to-day operation of a basic law enforcement training academy.

“Training objective” means a behavioral statement that describes a knowledge, skill, or ability to be acquired by the recruit during the delivery of the basic law enforcement training course of study.

R 28.14302 Authorization of basic law enforcement training academy; approval by commission.

Rule 302. A city, county, township, village, corporation, college, community college, university, or state agency shall obtain commission authorization before proceeding to establish an agency or regional basic law enforcement training academy or a preservice college basic law enforcement training academy under R 28.14303.

R 28.14303 Establishment of basic law enforcement training academy; program proposal.

Rule 303. (1) A city, county, township, village, corporation, college, community college, university, or state agency shall submit a written program proposal to establish a basic law enforcement training academy. The written program proposal shall be submitted to the commission in the manner prescribed by the commission not less than 90 days before the date of the commission meeting.

(2) The written program proposal shall contain, at a minimum, all of the following:  
A detailed description of the facilities and equipment to be used by recruits and instructors that will comply with the commission requirements.

A description of the duties, responsibilities, and membership of the training and education advisory committee.

The name, address, and position of the program administrator.

The name, title, and qualifications of the training director.

A description of the goals and objectives of the basic law enforcement training academy.

A description of the nature and scope of the applicant's financial and philosophical commitment to the basic law enforcement training academy.

A copy of the academy rules governing recruit conduct.

Identification of the academy requirements for an enrolled recruit.

Identification of the course of study in the law enforcement training academy sessions.

A statement recognizing the commission's authority to visit and inspect the basic law enforcement training academy and to be furnished requested records and documentation.

Identification and descriptions of affiliations with agencies, colleges, and universities that will be a part of the basic law enforcement training academy.

An estimate of the number of basic law enforcement training academy sessions that will be offered on a yearly basis.

A statement documenting the need for establishment of the proposed academy that includes both of the following:

~~(i) The need by law enforcement agencies in the proposed service area.~~

(ii) The prospective recruits' need for the proposed academy.

(n) Documentation of support from the local law enforcement community within the geographic service area of the proposed academy.

(o) A statement describing the selection methods of prospective preservice and preservice college recruits.

~~(p) The projected starting and graduation dates of the first basic law enforcement training academy session.~~

(q) A definition of the geographical area that the proposed basic law enforcement training academy will serve.

(r) A projection of the number of recruits that will be enrolled in the academy on a yearly basis.

(s) Verification that acceptable live-in facilities are available in the vicinity of the basic law enforcement training academy.

~~(3) The entity submitting the program proposal in subrule (1) of this rule shall do all of the following with respect to the training and education advisory committee described in subrule (2)(b) of this rule.~~

(a) The training and education advisory committee shall be appointed before development of the program proposal and shall be consulted on all aspects of the application.

(b) The committee shall approve the program proposal before it is submitted to the commission. If the commission approves the program proposal, then the committee shall be consulted on a continuing basis regarding the operation of the academy.

If the commission determines that the application is incomplete, then an amended application with amplification or clarification shall be filed within 30 days after the date of a request by the commission.

Failure to comply with subrule (4) of this rule is grounds for denial of the application.

Written commission approval of the program proposal shall be obtained before submitting an annual operating plan under R 28.14307.

An approved basic law enforcement academy that fails to conduct an academy session for 3 years shall submit a new program proposal for commission approval to reestablish itself as an approved basic law enforcement training academy.

R 28.14304 Establishment of preservice college basic training academy; program proposal.

Rule 304. In addition to the requirements in R 28.14303, the program proposal of a preservice college basic law enforcement training academy shall include all of the following:

~~(a) A copy of the community college, college, or university rules governing student conduct beyond those established by the commission.~~

(b) A description of how students will be selected for acceptance into the preservice college basic training academy at the applicant's institution.

(c) Identification of how and where the commission curriculum and additional community college, college, or university training objectives will be incorporated into the community college, college, or university course work.

(d) Identification of the requirements that an enrolled preservice college recruit shall meet to successfully complete the prescribed course of study at the community college, college, or university.

R 28.14305 Establishment of agency basic law enforcement training academy; program proposal.

Rule 305. (1) The program proposal of a law enforcement agency that seeks to establish an agency basic law enforcement training academy shall comply with R 28.14303, except for R 28.14303(2) (b), (k), (m), (n), (o) and (q).

~~—(2) In addition to the requirements of subrule (1) of this rule, the application shall include a statement documenting the need for establishment of the proposed academy by the law enforcement agency and the prospective recruits' need for the proposed academy.~~

~~R 28.14306 Training director responsibilities.~~

~~—Rule 306. The training director of an approved basic law enforcement training academy shall do all of the following:~~

~~—Ensure that the academy is operated in compliance with these rules and the academy operating contract.~~

~~—Ensure that each recruit is enrolled and maintains compliance with these rules and the academy operating contract.~~

R 28.14307 Annual operating plan; academy requirements after approval; notice of change in structure or content of program; commission approval required.

Rule 307. A city, county, township, village, corporation, college, community college, university, or state agency authorized by the commission to establish a basic law enforcement training academy shall do the following:

~~Submit an annual operating plan in the manner prescribed by the commission.~~

Execute an academy operating contract.

Final approval to operate under MCL 28.609(4)(b) is contingent upon formal acceptance of both subdivisions (a) and (b) of this rule by the commission.

The training director of a basic law enforcement training academy shall notify the commission immediately of any anticipated change in the annual operating plan during an academy session.

Written commission approval of the change shall be obtained before implementing a change.

R 28.14308 Basic law enforcement training academy session; approval required.

Rule 308. A city, county, township, village, corporation, college, community college, university, or state agency approved by the commission as a basic law enforcement training academy shall obtain commission approval in the manner prescribed by the commission before initiating each basic law enforcement training session.

R 28.14309 Revocation of commission approval; probation; suspension.

Rule 309. (1) A documented violation of these rules or the academy operating contract by an approved basic law enforcement training academy shall constitute cause for immediate review of continuing commission approval of the academy. Following the review, the MCOLES executive director may do any of the following:

Revoke the approval of a basic law enforcement training academy.

Suspend the basic law enforcement training academy approval to operate until specified terms and conditions are met.

~~Place the basic law enforcement training academy on probation for a specific period of time or until specified terms and conditions are met.~~

~~Take informal action to resolve the violation.~~

(2) The placement of an approved basic law enforcement training academy into a status as set forth in subrule (1) of this rule shall result in any of the following:

An academy placed into a status of revocation shall not operate the basic law enforcement academy, regardless of any active recruit sessions. The academy shall not be eligible for approval until submission of an application under R 28.14302 and R 28.14303.

An academy placed into a status of suspension shall not operate the basic law enforcement academy, regardless of any active recruit sessions. The academy shall not be eligible for approval to resume operation until specified terms and conditions set forth by the commission or the executive committee are met. Failure to meet the specified terms and conditions may result in further suspension or revocation of the academy.

~~An approved basic law enforcement training academy placed into a status of probation may continue operation, including any active recruit sessions, provided that specified terms and conditions set forth by the executive director are met. Failure to meet the specified terms and conditions may result in suspension or revocation of approval of the academy.~~

~~The executive director may authorize remedial action to minimize the impact of any academy sanction on recruits.~~

~~The executive director shall immediately report his academy disciplinary action to the executive committee.~~

R 28.14310 Basic law enforcement training academy; right to appeal denial, revocation, suspension, or probation.

Rule 310. (1) A basic law enforcement training academy shall have standing to appeal in writing a denial, revocation, suspension, or probation to the commission within 3 business days of issuance of the original notice.

The executive committee shall act on behalf of the commission, if the commission is not scheduled to meet within 5 business days of receipt of an appeal. A decision by the executive committee or the commission is final.

R 28.14311 Basic law enforcement training curriculum; course of study.

Rule 311. (1) The commission shall publish the basic law enforcement training curriculum.

~~(2) An approved basic law enforcement training academy shall teach the course of study approved by the commission.~~

(3) The approved academy shall provide, or provide access to, the curriculum to enrolled recruits.

R 28.14312 Academy enrollment; compliance with standards; deadlines.

~~Rule 312. (1) An application for enrollment in a commission approved academy, as defined in R 28.14301 (c), (g), and (i), shall be completed in the manner prescribed by the commission and include a release of information for purpose of law enforcement licensing.~~

The training director shall screen all prospective preservice recruits in a regional basic law enforcement training academy session or a preservice college basic law enforcement training academy to ensure compliance with the selection and employment standards in R 28.14203 (a) to (g) and R 28.14204, not later than 5 business days before the start of an academy session or a preservice college program. An academy shall conduct a background check, in lieu of a comprehensive background investigation, on the

form or in the manner prescribed by the commission to determine preservice and preservice college recruit compliance with R 28.14203(e).

Before enrolling a preservice or preservice college recruit in an academy session, the academy shall provide the recruit with an approved medical history form that shall be made available to the examining physician and shall become a part of the physician's medical record.

An employing agency shall ensure compliance with R 28.14206 not later than 5 business days before enrolling a recruit in an academy session.

Within 180 days before the start of an academy, the prospective recruit shall be fingerprinted and a search made of appropriate state and federal fingerprint files to disclose any criminal record.

An oral interview shall be conducted to determine a preservice or preservice college prospective recruit's suitability for a law enforcement officer position and to assess the applicant's demeanor, background, and the ability to communicate.

A prospective recruit intending to enroll in a basic law enforcement training academy session shall take and pass the commission's preenrollment physical fitness examination before, but be within 180 days before the start of the academy session.

The results of the selection and employment standards screening shall be submitted to the commission using the MCOLES information and tracking network not later than 5 business days before the start of an academy session. Exceptions and comments made by the examining physician, an investigator, or other person on source documents shall be included in the MCOLES information and tracking network reporting.

A prospective recruit who is not in full compliance with the selection and employment standards shall not participate in any recruit training or be enrolled by the commission. Any participation in an academic course at a preservice college training academy, without first having complied with this rule, shall not count toward completion of the course of study.

Before enrollment, the prospective recruit shall have executed the commission's standards compliance verification affidavit and the applicant background affidavit.

#### R 28.14313 Military preservice recruits.

Rule 313. (1) A prospective recruit seeking enrollment in a basic training academy who has prior military law enforcement experience may request a waiver of the requirements in R 28.14315(1)(b) to enroll in a commission approved regional or preservice college basic law enforcement training academy, if all of the following requirements are met:

Have successfully completed a mandatory basic military police training academy.

Have served competently as a military police officer, with full powers of arrest, the authority to carry firearms in the performance of his or her duties, while holding the specialty rank or assignment of a military police officer, or its equivalent, in 1 of the 5 branches of the United States armed services, the national guard, or the reserves. The applicant shall have acted in the unrestricted full capacity of a military police officer for a minimum of 2,080 hours following training.

Have been honorably discharged from active duty.

(2) Each requirement listed above shall be verified through a commission review of a properly executed DD-214 and the applicant's military service record.

#### R 28.14314 Basic recruit requirements.

Rule 314. A basic law enforcement training recruit shall do the following:

Comply with all of the attendance and academic requirements.

Comply with all administrative rules, policies and procedures, and academy rules.

Successfully complete the prescribed course of study during the approved academy session. An extension for the completion of the basic training program and testing requirements may be granted by the commission for a recruit under the following conditions:

The recruit has a documented physical injury sustained during an academy training event that is temporary and medically prohibits the recruit from full and active participation in 1 or more components of the basic training program or testing.

The recruit has a documented family or medical emergency situation outside the parameters of the academy that reasonably prohibits the recruit from full and active participation in 1 or more components of the basic training program or testing.

The recruit shall not be absent for more than one-half of any individual physical skills training and not more than 10% of the overall session.

(iv) An application for an extension shall be filed with the commission by the training director for a pre-service recruit or by a law enforcement agency for an employed recruit. The application shall comply with the procedures outlined in the policies and procedures manual published pursuant to R 28.14211.

#### R 28.14315 Preservice and preservice college recruit requirements.

Rule 315. (1) In addition to the requirements of R 28.14314, preservice and preservice college recruits shall do all of the following:

(a) Meet and maintain compliance with the selection and employment standards in R 28.14203 (a) to (g) and R 28.14204.

(b) Possess either an associate or baccalaureate degree before the commission will recognize the completion of the regional basic law enforcement training academy unless the requirement has been waived under R 28.14313.

(c) At the time of employment, comply with all of the selection and employment standards in R 28.14203 and R 28.14204.

#### R 28.14316 Preservice college recruit requirements.

Rule 316. In addition to the requirements in R 28.14314 and R 28.14315, a preservice college recruit shall do all of the following:

Meet the requirements established by the community college, college, or university for enrollment in its approved preservice college basic training academy.

Complete the commission approved preservice college basic training course of study within a 1-year period.

Attain a satisfactory grade in all preservice college courses, as evidenced by an official academic transcript.

Graduate from an associate or baccalaureate degree program at an accredited community college, college, or university and have been awarded either an associate or baccalaureate degree before employment as a law enforcement officer.

#### R 28.14317 Agency basic recruits.

Rule 317. In addition to the requirements in R 28.14314, an agency basic recruit shall comply with the following:

Meet and maintain compliance with the selection and employment standards in R 28.14203 (a) to (h) and R 28.14204.

Maintain employment with the enrolling agency through successful completion of the course of study.

Complete the commission approved basic training course of study during the session within which the recruit is enrolled.

R 28.14318 Recruit dismissals; grounds.

~~Rule 318. (1) After investigation and consultation with the commission, the training director shall do the following:~~

(a) Dismiss an enrolled recruit for failure to comply with or successfully complete the requirements in R 28.14314 to R 28.14317, as applicable.

(b) Dismiss an employed recruit for failure to do either of the following:

(i) Maintain employment with a law enforcement agency during the basic law enforcement training academy.

(ii) Maintain compliance with the minimum selection and employment standards in R 28.14203 (a) to (f) and R 28.14204 during the basic law enforcement training academy.

The training director may dismiss an enrolled recruit after investigation and consultation with the commission for failure to comply with academy rules and regulations or the academy operating contract. An agency law enforcement basic training academy may dismiss an employed recruit for reasons unrelated to subrules (1) and (2) of this rule without consultation with the commission. The academy shall notify the commission of the dismissal and the reason for the dismissal.

The commission may investigate and dismiss a recruit based on a violation of these rules, the academy operating contract, or the academy's rules and regulations as approved in the annual operating agreement.

R 28.14319 Recruit dismissals; appeal; final decision.

Rule 319. (1) A recruit dismissal may be appealed in the following manner:

(a) An employer may appeal a dismissal of an employed recruit to the commission.

(b) A dismissed employed recruit shall not have standing to appeal the dismissal to the commission.

A commission decision on appeal is final.

(3) A preservice or preservice college recruit may appeal a dismissal to the MCOLES executive director. The executive director's decision is final.

R 28.14320 Recruit eligibility to take licensing exam; timeframe.

Rule 320. A basic law enforcement training recruit shall do the following:

Comply with all of the requirements in R 28.14314 to R 28.14317, as applicable, before taking the licensing exam.

Pass the licensing exam within 1 year of complying with the requirements in subdivision (a) of this subrule.

R 28.14321 Recruit licensing eligibly timeframes.

Rule 321. A recruit who is not employed and licensed as a law enforcement officer within 1 year of completion of a basic law enforcement training academy session shall, before licensing, comply with the requirements of the recognition of prior basic law enforcement training and experience program. The executive director may extend the timelines in this subrule by not more than 90 days for either of the following reasons:

If required by reexamination under R 28.14204(g) or R 28.14602.

For good cause based on a prospective employing agency's written request. If an extension request is granted, the extension applies only to employment with the requesting agency.

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**NOTICE OF PUBLIC HEARING**

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**MICHIGAN DEPARTMENT OF STATE POLICE  
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS  
SOAHR # 2006-074 SP  
Law Enforcement Standards and Training, Part 3 "Recruit Training"**

The Michigan Commission on Law Enforcement Standards will hold five public hearings to take comments on proposed revisions to the administrative rule set entitled “Law Enforcement Standards and Training, Part 3 ‘Recruit Training’.”

- Friday, November 30, 2007, at 9:30 a.m. at the Kentwood Police Department, Public Safety Training Building, 4742 Walma Avenue, SE, Kentwood, Michigan
- Monday, December 3, 2007, at 9:30 a.m. at the Auburn Hills Department of Public Safety, 1899 N. Squirrel Road, Auburn Hills, Michigan
- Wednesday, December 5, 2007, at 9:30 a.m. at Northern Michigan University, Don H. Bottum University Center, Marquette / Nicolet Rooms, 1401 Presque Isle Avenue, Marquette, Michigan
- Thursday, December 6, 2007, at 9:30 a.m. at the City Council Chamber, City-County Building, 225 West Main, Gaylord, Michigan.
- Friday, December 7, 2007, at 9:30 a.m. at the Library of Michigan Auditorium, 702 West Kalamazoo, Lansing, Michigan

Comments may also be made by writing to the Executive Director, Michigan Commission on Law Enforcement Standards, 7426 N. Canal Road, Lansing, Michigan 48913. Written comments must be postmarked no later than Friday, December 14, 2007.

The rule set entitled “Law Enforcement Standards and Training, Part 3 ‘Recruit Training’ ” provides standards for the establishment and operation of a basic law enforcement training academy, as well as standards for recruit selection, training, and dismissal while in an approved academy. The rules are being revised to reflect statutory revisions to 1965 PA 203, Executive Reorganization Order 2001-2, and changes to the practices and procedures of the Commission.

The hearings are being conducted in compliance with the Administrative Procedures Act; 1969 PA 306, as amended, being MCL 24.201, et seq. The Commission has authority for the rule promulgation pursuant to 1965 PA 203, as amended, being MCL 28.601, et seq. The proposed rules will become effective immediately upon filing with the Secretary of State.

The proposed rules are published in the *Michigan Register* and may be viewed at:  
<http://www.state.mi.us/orr/emi/rules.asp?type=dept&id=SP&subId=2006%2D074+SP&subCat=Revision+Text> .

Persons with disabilities who may need assistance to effectively participate in a hearing should call the Commission offices at (517) 322-1417, a week in advance of the hearing to request an accommodation.

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**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

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*MCL 24.256(1) states in part:*

*“Sec. 56. (1) The State Office of Administrative Hearings and Rules shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the State Office of Administrative Hearings and Rules, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The State Office of Administrative Hearings and Rules may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”*

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**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

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October 19, 2007

Ms. Norene Lind, Administrative Rules Manager  
State Office of Administrative Hearings and Rules  
Department of Labor and Economic Growth  
Ottawa Building - Fourth Floor  
611 West Ottawa  
Lansing, Michigan 48933-1070

Dear Ms. Lind:

SUBJECT: Correction to Administrative Rules Promulgated Pursuant to Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, SOAHR 2006-019EQ

The Department of Environmental Quality (DEQ) requests a correction of an obvious error be made to Part 17, Soil Erosion and Sedimentation Control, of the NREPA, pursuant to Section 56(1) of the Michigan Administrative Procedures Act, 1969 PA 306, as amended (NREPA), as follows:

(By authority conferred on the department of environmental quality by sections 9104 ~~9105~~ and **9114** of 1994 PA 451, MCL 324.9104 and ~~324.9105~~ **324.9114**)

The error in the rule authority section was noticed after a recent modification was made to the rules. The rules were filed with the Secretary of State on October 8, 2007. A copy of the rule with the correction is enclosed.

If you have any questions, please contact me.

Sincerely,

Susan S. Maul  
Acting Regulatory Reform Officer  
517-241-1552

Enclosure

cc: Mr. Steven E. Chester, Director, DEQ

Mr. Jim Sygo, Deputy Director, DEQ

Mr. Frank J. Baldwin, DEQ

Ms. Sarah LeSage, DEQ

Mr. Dick Mikula, DEQ

cc/enc: WB, SOAHR 2006-019EQ File

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2007 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*

**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2007 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		191	Yes	3/1	3/1	3/1/07	Occupations; accounting; qualifications for certified public accountants; revise, and provide certain changes to the peer review requirement. <b>(Sen. R. Richardville)</b>
2		184	Yes	3/19	3/19	3/19/07	State financing and management; budget; expenditure exceeding appropriation level; require notification. <b>(Sen. R. Jelinek)</b>
3		166	Yes	3/19	3/19	3/19/07	Appropriations; zero budget; supplemental appropriations; provide for certain fiscal years. <b>(Sen. R. Jelinek)</b>
4		014	Yes	3/22	3/22	3/22/07	Agriculture; other; loan repayment for sugar beet cooperatives; extend. <b>(Sen. J. Barcia)</b>
5		176	Yes	3/22	3/23	3/23/07	Health facilities; other; appropriated amount of quality assurance assessment collected; increase. <b>(Sen. D. Cherry)</b>
6		221	Yes	4/30	4/30	4/30/07	Appropriations; supplemental; negative supplemental school aid bill; provide for fiscal year 2006-2007. <b>(Sen. R. Jelinek)</b>
7		404	Yes	5/4	5/4	5/4/07	Appropriations; supplemental; multidepartment supplemental for fiscal year 2006-2007; provide for. <b>(Sen. R. Jelinek)</b>
8	4143		Yes	5/10	5/11	5/11/07	Watercraft; violations; certain marine safety misdemeanor violations; designate as state civil infraction. <b>(Rep. S. Bieda)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
9	4482		Yes	5/18	5/18	5/18/07	Human services; other; certain family independence program eligibility and sanction for certain noncompliance; clarify. <b>(Rep. B. Clack)</b>
10	4327		Yes	5/24	5/24	5/24/07	Crimes; other; prohibition against selling tomatoes that are not vine-ripened; repeal. <b>(Rep. D. Spade)</b>
11	4322		Yes	5/24	5/24	5/24/07	Liquor; licenses; issuance of on-premises liquor license for certain universities; expand to include certain entities located in Oakland community college and Macomb community college. <b>(Rep. B. Farrah)</b>
12		400	Yes	5/29	5/29	5/29/07 #	Economic development; plant rehabilitation; definition of industrial property; modify. <b>(Sen. J. Allen)</b>
13	4629		Yes	5/29	5/29	5/29/07 #	Economic development; plant rehabilitation; strategic response center; provide for definition. <b>(Rep. G. McDowell)</b>
14	4721		Yes	5/29	5/29	5/29/2007	Environmental protection; water pollution; baseline environmental assessment fee; extend sunset. <b>(Rep. D. Bennett)</b>
15	4530		Yes	6/6	6/6	6/6/07	Retirement; public school employees; actuarial liability contribution; modify. <b>(Rep. L. Gonzales)</b>
16	4512		Yes	6/6	6/6	6/6/07	Retirement; state employees; actuarial liability contribution; modify. <b>(Rep. L. Gonzales)</b>
17		436	Yes	6/6	6/6	6/6/07 +	Appropriations; supplemental; multidepartment supplemental for fiscal year 2007; provide for. <b>(Sen. R. Jelinek)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
18	4850		Yes	6/12	6/12	6/12/07	State financing and management; funds; securitization of tobacco funds; increase amount. <b>(Rep. V. Smith)</b>
19	4207		Yes	6/14	6/14	6/14/07	Occupations; nurses; licensure of graduates from a nursing education program located outside the United States who do not have a certificate from the commission on graduates of foreign nursing schools; provide for. <b>(Rep. H. Hopgood)</b>
20		344	Yes	6/19	6/19	6/19/07	Criminal procedure; sentencing guidelines; citation reference for crime of receiving or concealing stolen property having a value of \$20,000 or more or with prior convictions; revise, and divide section into multiple sections and provide chapter and part headings, and allow use of interactive video technology in courts. <b>(Sen. W. Kuipers)</b>
21		194	Yes	6/19	6/19	6/19/07	Education; alternative; provisions regarding financial responsibility for certain children enrolled in strict discipline academies; revise. <b>(Sen. M. Switalski)</b>
22	4766		Yes	6/26	6/26	6/26/07	Retirement; investments; employer contribution; revise. <b>(Rep. L. Gonzales)</b>
23		025	Yes	6/28	6/28	6/28/07 #	Disabilities; qualified interpreter for deaf or deaf-blind individual; provide in certain circumstances. <b>(Sen. J. Gleason)</b>
24	4208		Yes	6/28	6/28	6/28/07 #	Disabilities; qualified interpreter for deaf or deaf-blind individual; define and provide in certain circumstances. <b>(Rep. D. Spade)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
25	4261		Yes	6/28	6/28	6/28/07	Economic development; other; convention and tourism promotion act; provide for. <b>(Rep. M. Sak)</b>
26		360	Yes	6/28	6/28	6/28/07 #	Transportation; funds; deadline for projects eligible for funding through local match grant programs; extend. <b>(Sen. J. Gilbert)</b>
27	4556		Yes	6/28	6/28	6/28/07 #	Transportation; funds; date revisions; provide for. <b>(Rep. J. Mayes)</b>
28		487	Yes	6/28	6/28	6/28/07	Liens; construction; requirement that owner provide notice of receipt and a copy of sworn statement to subcontractors, laborers, and suppliers; limit to residential projects. <b>(Sen. V. Garcia)</b>
29	4661		Yes	6/28	6/28	6/28/07	Education; other; term as president and vice president of Detroit school board; clarify. <b>(Rep. L. Lemmons)</b>
30		561	Yes	6/28	6/29	6/29/07	Revenue sharing; counties; distributions to authorities; extend for current fiscal year. <b>(Sen. J. Pappageorge)</b>
31	4376		Yes	6/29	6/29	6/29/07	Property tax; payment and collection; collection of municipal solid waste fee; allow. <b>(Rep. G. Cushingberry)</b>
32		070	Yes	7/1	7/2	7/2/07	Education; teachers; date for implementation of requirement for current teachers to receive certain training concerning reading problems; extend to July 1, 2009. <b>(Sen. N. Cassis)</b>
33		266	Yes	7/10	7/10	7/10/07	Occupations; business licensing and regulation; household goods; provide exemption from certification by public service commission of certain carriers. <b>(Sen. V. Garcia)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
34	4851		Yes	7/10	7/11	7/11/07	Higher education; financial aid; transfers of money by Michigan higher education student loan authority to Michigan merit award trust fund; authorize. <b>(Rep. A. Meisner)</b>
35	4177		Yes	7/10	7/11	7/11/07	Insurance; no-fault; premium increases or reinstatement fees for certain military personnel called into active duty; prohibit. <b>(Rep. D. Spade)</b>
36		094	Yes	7/12	7/12	1/1/08 #	Single business tax; replacement; Michigan business tax act; create. <b>(Sen. N. Cassis)</b>
37	4369		Yes	7/12	7/12	7/12/07 #	Education; financing; exemption for certain personal property from certain school operating mills; provide for. <b>(Rep. T. Brown)</b>
38	4370		Yes	7/12	7/12	7/12/07 #	Property tax; state education tax; tax exemption for certain industrial personal property; exempt. <b>(Rep. M. Griffin)</b>
39	4371		Yes	7/12	7/12	7/12/07 #	Economic development; plant rehabilitation; calculation of tax levied; revise. <b>(Rep. M. Corriveau)</b>
40	4372		Yes	7/12	7/12	7/12/07 #	Property tax; exemptions; commercial and industrial personal property; exempt from certain taxes. <b>(Rep. K. Ebli)</b>
41	4493		Yes	7/12	7/12	7/12/07	Appropriations; supplemental; multidepartment supplemental for fiscal year 2006-2007; provide for. <b>(Rep. G. Cushingberry)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
42	4595		Yes	7/12	7/13	7/13/07	Higher education; financial aid; eligibility for Michigan promise award; expand to include certain residents who graduated from out-of-state high schools and revise application deadline and disbursement schedule. <b>(Rep. K. Angerer)</b>
43		134	Yes	7/17	7/17	7/17/07	Property; conveyances; transfer of certain state owned properties in Ingham county, Wayne county, and Tuscola county; provide for, and release certain property rights reserved by the state. <b>(Sen. M. Switalski)</b>
44		588	Yes	7/17	7/17	7/17/07	Economic development; commercial redevelopment; corridor improvement authority; revise eligibility criteria. <b>(Sen. S. Thomas)</b>
45		188	Yes	7/17	7/17	7/17/07	Education; vocational; definition of vocational education and use of vocational education funds; revise, and allow certain acquisition of equipment. <b>(Sen. G. Van Woerkom)</b>
46		290	Yes	7/17	7/17	7/17/07	Financial institutions; mortgage brokers and lenders; licensing requirements for secondary mortgage companies; exempt certain employees and leased employees. <b>(Sen. R. Richardville)</b>
47		354	Yes	8/2	8/3	8/3/07 #	Natural resources; wildlife; double-crested cormorant; provide for control program. <b>(Sen. M. McManus)</b>
48	4471		Yes	8/2	8/3	8/3/07 #	Natural resources; wildlife; double-crested cormorant; define terms for control program. <b>(Rep. D. Booher)</b>

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\*\*\* - See Act for applicable effective date.

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
49	4614		Yes	8/2	8/3	8/3/07 #	Natural resources; wildlife; double-crested cormorant; provide for control fund. <b>(Rep. J. Sheltroun)</b>
50	4884		Yes	8/13	8/14	8/14/07	State financing and management; funds; Michigan trust fund; provide general amendments for tobacco securitization. <b>(Rep. S. Jackson)</b>
51	4641		Yes	8/28	8/28	8/28/07	Drains; drain commissioners; county board of commissioners to change name of office of county drain commissioner to office of the water resources commissioner; authorize, increase amount of bond, and provide for temporary replacement of drain commissioner. <b>(Rep. F. Accavitti)</b>
52		624	Yes	9/3	9/4	9/4/07	Elections; primary; presidential primary process; revise. <b>(Sen. M. McManus)</b>
53	4517		Yes	9/5	9/6	9/6/07	Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction by register of deeds unless prohibited by law. <b>(Rep. B. Byrum)</b>
54	4519		Yes	9/5	9/6	9/6/07	Consumer protection; privacy; social security numbers in affidavits submitted to register of deeds for recordation; require redaction unless prohibited by law. <b>(Rep. B. Byrum)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
55		298	Yes	9/11	9/12	9/12/07	Consumer protection; privacy; social security numbers in documents recorded by register of deeds; allow redaction in copies of documents unless prohibited by law. <b>(Sen. M. Jansen)</b>
56		299	Yes	9/11	9/12	9/12/07	Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction by person submitting document unless prohibited by law. <b>(Sen. G. Van Woerkom)</b>
57		301	Yes	9/11	9/12	9/12/07	Consumer protection; privacy; social security numbers in judgments submitted to register of deeds for recordation; require redaction unless prohibited by law. <b>(Sen. J. Pappageorge)</b>
58		303	Yes	9/11	9/12	9/12/07	Consumer protection; privacy; social security numbers in recorded documents made available for inspection by register of deeds; allow redaction unless prohibited by law. <b>(Sen. P. Birkholz)</b>
59		675	Yes	9/11	9/12	9/12/07	Appropriations; natural resources; natural resources trust fund; provide appropriations for. <b>(Sen. R. Kahn)</b>
60		633	Yes	9/18	9/18	9/18/07	Natural resources; hunting; deer hunting season for certain disabled veterans; designate to correspond with youth firearm deer hunting days. <b>(Sen. G. Van Woerkom)</b>
61		069	Yes	9/18	9/19	9/19/07	Economic development; tax increment financing; neighborhood improvement authority; provide for. <b>(Sen. T. Hunter)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
62		207	Yes	9/18	9/19	9/19/07	Economic development; Michigan economic growth authority; definition of high-technology activity; clarify and revise the retained jobs threshold. <b>(Sen. J. Allen)</b>
63	4592		Yes	9/18	9/19	9/19/07	Education; intermediate school districts; study on consolidation of certain noninstructional services; require each intermediate school district to conduct and report on. <b>(Rep. T. Melton)</b>
64	4861		Yes	9/28	9/28	9/28/07	Civil procedure; costs and fees; fees to court of appeals; extend time for rollback. <b>(Rep. M. Meadows)</b>
65	4673		Yes	9/28	9/28	9/28/07	Trade; consumer goods and services; going out of business sale license; allow municipality to waive fee. <b>(Rep. P. Byrnes)</b>
66		655	Yes	9/28	9/28	9/28/07	Campaign finance; other; transfer of certain amount of state campaign funds to the general fund; provide for. <b>(Sen. R. Jelinek)</b>
67		657	Yes	9/28	9/28	9/28/07	Natural resources; funding; refined petroleum fund; appropriate certain funds to the environmental protection fund. <b>(Sen. R. Jelinek)</b>
68		676	Yes	9/28	9/28	9/28/07	Transportation; funds; distribution of state transportation preservation revenue to the transportation fund; provide for. <b>(Sen. R. Jelinek)</b>
69		656	Yes	9/28	9/28	9/28/07	Sales tax; distribution; transfer of funds from the comprehensive transportation fund into the general fund; provide for. <b>(Sen. R. Jelinek)</b>
70		210	Yes	9/28	9/30	9/30/07	Vehicles; title; distribution of fee collected to expedite title application process; revise. <b>(Sen. M. Switalski)</b>

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# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
71		211	Yes	9/28	9/30	9/30/07	Vehicles; registration; distribution of revenue from collection of certain transfer and registration fee; earmark into the transportation administration collection fund. <b>(Sen. M. Switalski)</b>
72		774	Yes	9/30	9/30	9/30/07	Taxation; hotel-motel tax; allowing convention facilities development funds to be used for the general fund; provide for. <b>(Sen. M. Switalski)</b>
73		204	Yes	9/30	9/30	9/30/07 #	Probate; wills and estates; payment from decedent's estate in accordance with the estate recovery program for medicaid; require. <b>(Sen. M. Switalski)</b>
74		374	Yes	9/30	9/30	9/30/07 #	Human services; medical services; estate recovery program for medicaid; implement. <b>(Sen. M. Switalski)</b>
75	5242		Yes	9/30	9/30	9/30/07	Environmental protection; permits; sunset date on certain fee collections; extend. <b>(Rep. D. Bennett)</b>
76	4668		Yes	9/30	9/30	9/30/07	Law enforcement; records; fee for processing name-based criminal record check; provide for, and extend sunset on fee for fingerprint processing. <b>(Rep. R. LeBlanc)</b>
77	4842		Yes	9/30	9/30	9/30/07	Occupations; licensing fees; license fees for various professions; extend sunset. <b>(Rep. M. Meadows)</b>
78	4849		Yes	9/30	9/30	9/30/07 #	Agriculture; pesticides; pesticide applicator fees; extend sunset for fees and earmark to the agriculture licensing and inspection fees fund. <b>(Rep. S. Jackson)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
79	4860		Yes	9/30	9/30	9/30/07 #	Animals; other; pet shop license act; extend sunset for fees and earmark certain fees and administrative fines to the agriculture licensing and inspection fees fund. <b>(Rep. P. Condino)</b>
80	4863		Yes	9/30	9/30	9/30/07 #	Agriculture; animals; horse riding stable license fees and administrative fines; extend sunset for fees and earmark to the agriculture licensing and inspection fees fund. <b>(Rep. B. Johnson)</b>
81	4864		Yes	9/30	9/30	9/30/07 #	Agriculture; animals; livestock operations license fees and administrative fines; extend sunset for fees and earmark to the agriculture licensing and inspection fees fund. <b>(Rep. B. Johnson)</b>
82	4865		Yes	9/30	9/30	9/30/07	Trade; securities; securities fees; revise. <b>(Rep. B. Johnson)</b>
83	4866		Yes	9/30	9/30	9/30/07	Businesses; business corporations; filing fees; revise. <b>(Rep. B. Johnson)</b>
84	4862		Yes	9/30	9/30	9/30/07	Agriculture; diseases and pests; certain nursery stock fees; extend sunset of fees and earmark to the agriculture licensing and inspection fees fund. <b>(Rep. P. Condino)</b>
85	4185		Yes	9/30	9/30	9/30/07	Health facilities; other; revisions regarding hospital, hospital long-term care units, and nursing home quality assurance assessments, extension of sunset, and revisions to appropriations for 2006-07 and 2007-08 fiscal years to support medicaid expenditures for hospital services and therapy; provide for. <b>(Rep. G. Cushingberry)</b>
86	5258		Yes	9/30	9/30	9/30/07	Businesses; limited liability companies; filing fees; revise. <b>(Rep. R. Hammel)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
87	5257		Yes	9/30	9/30	9/30/07	Businesses; nonprofit corporations; filing fees; revise. <b>(Rep. T. Hammon)</b>
88		796	Yes	9/30	9/30	9/30/07	Insurance; other; collection of quality assurance assessment program fees; revise. <b>(Sen. R. Kahn)</b>
89	4228		Yes	9/30	9/30	12/29/07	Criminal procedure; evidence; drug analysis field test; allow as admissible evidence in preliminary hearings. <b>(Rep. P. Condino)</b>
90	5104		No	9/30	9/30	**	Business tax; other; business income tax base; revise to account for deferred liabilities. <b>(Rep. S. Bieda)</b>
91		772	Yes	10/1	10/1	10/1/07 #	Appropriations; other; interim fiscal year appropriations for 2007-2008; provide for. <b>(Sen. R. Jelinek)</b>

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+ - Line item veto

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2007 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

**MICHIGAN ADMINISTRATIVE CODE TABLE  
(2007 RULE FILINGS)**

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
28.4001	A	13	247.163	A	14	325.2652	*	3
28.4002	A	13	247.164	A	14	325.2653	*	18
28.4003	A	13	247.165	A	14	325.2654	*	3
28.4004	A	13	247.166	A	14	325.2655	*	3
28.4005	A	13	281.421	A	3	325.2656	*	3
28.4006	A	13	281.422	A	3	325.2657	*	3
28.4007	A	13	281.423	A	3	325.2658	*	3
32.71	A	10	281.424	A	3	325.52601	A	10
32.72	A	10	281.425	A	3	325.52602	A	10
32.73	A	10	281.426	A	3	325.52801	A	16
32.74	A	10	281.427	A	3	325.60025	*	3
32.75	A	10	281.428	A	3	325.62001	A	20
32.76	A	10	281.429	A	3	325.62002	A	20
32.77	A	10	287.651	*	18	325.62003	A	20
32.78	A	10	287.651a	A	18	325.62004	A	20
32.79	A	10	287.652	*	18	325.62005	A	20
32.8	A	10	287.655	*	18	325.62006	A	20
32.81	A	10	287.656	*	18	325.99102	*	18
32.82	A	10	323.1707	*	19	325.99103	*	18
32.83	A	10	325.71	A	18	325.99104	*	18
32.84	A	10	325.72	A	18	325.99301	*	18
32.85	A	10	325.73	A	18	325.99304	*	18
32.86	A	10	325.74	A	18	325.99403	*	18
32.87	A	10	325.75	A	18	325.99404	*	18
32.88	A	10	325.125	A	20	325.99406	*	18
32.89	A	10	325.126	A	20	325.99408	*	18
205.56	*	6	325.127	A	20	325.99409	A	18
205.72	*	6	325.128	A	20	336.1660	*	19
205.126	*	6	325.129	A	20	336.1661	*	19
205.127	*	6	325.130	A	20	336.1802a	A	12
205.136	*	6	325.131	A	20	336.1803	*	12
247.151	R	14	325.132	A	20	336.1821	A	12
247.152	R	14	325.133	A	20	336.1822	A	12
247.153	R	14	325.134	A	20	336.1823	A	12
247.154	R	14	325.135	A	20	336.1824	A	12
247.155	R	14	325.136	A	20	336.1825	A	12
247.156	R	14	325.137	A	20	336.1826	A	12
247.161	A	14	325.138	A	20	336.1830	A	12
247.162	A	14	325.2651	*	3	336.1831	A	12

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2007 MR 20 – November 15, 2007

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
336.1832	A	12	338.978	R	16	339.22601	*	2
336.1833	A	12	338.979	R	16	339.22602	*	2
336.1834	A	12	338.980	R	16	339.22603	*	2
338.471a	*	4	338.981	R	16	339.22604	*	2
338.472	*	4	338.982	R	16	339.22605	*	2
338.473	*	4	338.983	R	16	339.22606	A	2
338.473a	*	4	338.984	R	16	339.22607	*	2
338.473d	*	4	338.985	R	16	339.22609	*	2
338.474a	*	4	338.986	R	16	339.22613	*	2
338.475	*	4	338.987	R	16	339.22615	*	2
338.479a	*	4	338.988	R	16	339.22617	*	2
338.489	*	4	338.989	R	16	339.22631	*	2
338.951	R	16	338.990	R	16	339.22639	R	2
338.952	R	16	338.2503	R	15	339.22641	R	2
338.953	R	16	338.2505	*	15	339.22645	*	2
338.954	R	16	338.2505a	A	15	339.22651	*	2
338.955	R	16	338.2506	*	15	339.22652	A	2
338.956	R	16	338.2507	*	15	339.22653	R	2
338.957	R	16	338.2510a	*	15	339.22654	R	2
338.958	R	16	338.2511	*	15	339.22655	R	2
338.959	R	16	338.2514	*	15	339.22659	*	2
338.960	R	16	338.2515	A	15	339.22663	R	2
338.961	R	16	338.2516	A	15	339.22664	R	2
338.962	R	16	338.3041	*	4	339.22665	*	2
338.963	R	16	338.3043	*	4	339.23101	*	18
338.964	R	16	338.3044	*	4	339.23102	A	18
338.965	R	16	338.3102	*	4	339.23201	*	18
338.966	R	16	338.3120	*	4	339.23203	*	18
338.967	R	16	338.3123	*	4	339.23301	*	18
338.968	R	16	338.3125	*	4	339.23303	*	18
338.969	R	16	338.3132	*	4	339.23307	*	18
338.970	R	16	338.3154	*	4	339.23309	*	18
338.971	R	16	338.3161	*	4	339.23311	*	18
338.972	R	16	338.3162	*	4	339.23315	*	18
338.973	R	16	338.3162b	*	4	339.23316	A	18
338.974	R	16	338.3162c	*	4	339.23317	*	18
338.975	R	16	338.3162d	*	4	339.23319	*	18
338.976	R	16	339.22203	*	2	339.23320	*	18
338.977	R	16	339.22213	*	2	339.23321	*	18

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2007 MR 20 – November 15, 2007

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
339.23326	*	18	400.9401	*	2	460.125	A	20
339.23403	*	18	400.9501	*	2	460.126	A	20
388.1	A	6	400.12101	*	2	460.127	A	20
388.2	A	6	400.12202	*	2	460.128	A	20
388.3	A	6	400.12214	A	2	460.129	A	20
388.4	A	6	400.12310	*	2	460.130	A	20
388.5	A	6	400.12312	*	2	460.131	A	20
388.6	A	6	400.12605	*	2	460.132	A	20
388.7	A	6	408.43a	*	4	460.133	A	20
388.8	A	6	408.43i	*	4	460.134	A	20
388.9	A	6	408.43k	*	4	460.135	A	20
388.1	A	6	408.43m	*	4	460.136	A	20
388.11	A	6	408.43q	*	4	460.137	A	20
388.12	A	6	408.61	*	8	460.138	A	20
388.13	A	6	408.65	*	8	460.139	A	20
388.14	A	6	460.101	A	20	460.140	A	20
388.15	A	6	460.102	A	20	460.141	A	20
388.16	A	6	460.103	A	20	460.142	A	20
388.17	A	6	460.104	A	20	460.143	A	20
388.18	A	6	460.105	A	20	460.144	A	20
388.151	A	13	460.106	A	20	460.145	A	20
388.152	A	13	460.107	A	20	460.146	A	20
388.153	A	13	460.108	A	20	460.147	A	20
388.154	A	13	460.109	A	20	460.148	A	20
388.155	A	13	460.110	A	20	460.149	A	20
390.661	*	19	460.111	A	20	460.150	A	20
390.1601	*	19	460.112	A	20	460.151	A	20
390.1602	*	19	460.113	A	20	460.152	A	20
390.1603	*	19	460.114	A	20	460.153	A	20
390.1604	*	19	460.115	A	20	460.154	A	20
390.1605	*	19	460.116	A	20	460.155	A	20
390.1606	*	19	460.117	A	20	460.156	A	20
390.1607	*	19	460.118	A	20	460.157	A	20
390.1608	*	19	460.119	A	20	460.158	A	20
390.1609	*	19	460.120	A	20	460.159	A	20
390.1610	*	19	460.121	A	20	460.160	A	20
390.1611	*	19	460.122	A	20	460.161	A	20
400.9101	*	2	460.123	A	20	460.162	A	20
400.9306	*	2	460.124	A	20	460.163	A	20

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2007 MR 20 – November 15, 2007

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
460.164	A	20	460.2143	R	20	460.2199	R	20
460.165	A	20	460.2144	R	20	408.4038	*	13
460.166	A	20	460.2145	R	20	408.4107	*	13
460.167	A	20	460.2146	R	20	408.4125	*	13
460.168	A	20	460.2147	R	20	408.13902	*	11
460.169	A	20	460.2148	R	20	408.17601	*	10
408.802	*	8	460.2149	R	20	408.17602	*	10
408.806	*	8	460.2150	R	20	408.17603	R	10
408.833	*	8	460.2151	R	20	408.17605	R	10
408.852	*	8	460.2152	R	20	408.17607	R	10
408.882	*	8	460.2153	R	20	408.17609	R	10
408.891	*	8	460.2154	R	20	408.17610	R	10
460.2101	R	20	460.2155	R	20	408.17612	R	10
460.2102	R	20	460.2161	R	20	408.17613	R	10
460.2103	R	20	460.2162	R	20	408.17614	R	10
460.2104	R	20	460.2163	R	20	408.17615	R	10
460.2105	R	20	460.2164	R	20	408.17616	R	10
460.2111	R	20	460.2165	R	20	408.17618	R	10
460.2112	R	20	460.2166	R	20	408.17620	R	10
460.2113	R	20	460.2167	R	20	408.17621	R	10
460.2114	R	20	460.2168	R	20	408.17622	R	10
460.2115	R	20	460.2169	R	20	408.17623	R	10
460.2116	R	20	460.2170	R	20	408.17624	R	10
460.2117	R	20	460.2171	R	20	408.17630	R	10
460.2118	R	20	460.2172	R	20	408.17631	R	10
460.2119	R	20	460.2173	R	20	408.17632	R	10
460.2120	R	20	460.2174	R	20	408.17633	R	10
460.2121	R	20	460.2181	R	20	408.17636	R	10
460.2122	R	20	460.2182	R	20	408.17637	R	10
460.2123	R	20	460.2183	R	20	408.17640	R	10
460.2124	R	20	460.2184	R	20	408.17641	R	10
460.2125	R	20	460.2185	R	20	408.17650	R	10
460.2131	R	20	460.2186	R	20	408.17651	R	10
460.2132	R	20	460.2187	R	20	408.17696	R	10
460.2133	R	20	460.2188	R	20	408.17699	R	10
460.2134	R	20	460.2189	R	20	408.30701	*	18
460.2136	R	20	460.2190	R	20	408.30716	*	18
460.2141	R	20	460.2191	R	20	408.30717	*	18
460.2142	R	20	460.2192	R	20	408.30718	*	18

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

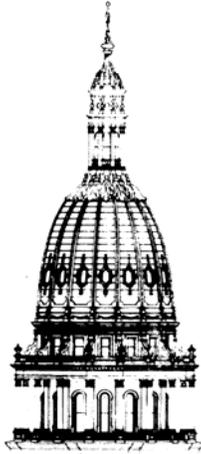
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R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
408.30719	*	18	408.30915a	*	15	418.101002	*	6
408.30720	*	18	408.30918a	*	15	418.101002b	A	6
408.30723	*	18	408.30927a	*	15	418.101004	*	6
408.30725c	*	18	408.30935a	*	15	418.101005	*	6
408.30730	*	18	408.30936a	*	15	418.101016	*	6
408.30731	A	18	408.30945a	*	15	418.101017	R	6
408.30735	*	18	408.30995a	*	15	418.101018	R	6
408.30741c	*	18	408.42602	*	5	418.101019	R	6
408.30749	*	18	408.42605	*	5	418.101502	R	6
408.30758	*	18	408.42608	*	5	418.101504	*	6
408.30771	*	18	408.42609	*	5	421.1101	*	4
408.30785	*	18	408.42616	*	5	421.1103	*	4
408.30791	*	18	408.42624	R	5	421.1104	*	4
408.30801	*	14	408.42625	R	5	421.1108	*	4
408.30806	A	14	408.42628	*	5	421.1109	*	4
408.30808	*	14	408.42629	*	5	421.1110	*	4
408.30809	*	14	408.42634	*	5	421.1111	*	4
408.30810	*	14	408.42636	*	5	421.1301	*	4
408.30812	*	14	408.42648	*	5	421.1301	*	4
408.30818	*	14	408.42651	*	5	421.1302	*	4
408.30819	*	14	408.42655	*	5	421.1304	*	4
408.30821	A	14	408.42801	A	5	421.1305	*	4
408.30823	*	14	408.42804	A	5	421.1307	*	4
408.30826	*	14	408.42806	A	5	421.1314	*	4
408.30828	*	14	408.42809	A	5	421.1315	*	4
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408.30835	*	14	418.4	*	18	431.2090	*	9
408.30867	*	14	418.6	*	18	431.2120	*	9
408.30868	*	14	418.8	*	18	431.3075	*	9
408.30869	*	14	418.56	*	4	431.3110	*	9
408.30873	*	14	418.10107	*	6	431.4001	*	9
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408.30906a	*	15	418.10404	*	6	432.21313	*	5
408.30907a	*	15	418.10416	*	6	432.21316	*	5
408.30908a	*	15	418.10504	A	6	432.21317	*	5
408.30909a	*	15	418.10505	A	6	432.21326	*	5
408.30910a	*	15	418.10902	*	6	432.21327	*	5
408.30912a	A	15	418.10922	*	6	432.21331	*	5

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2007 MR Issue	R Number	Action	2007 MR Issue
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432.21333	*	5	500.2211	A	9
432.21335	*	5	500.2212	A	9
432.21336	*	5	550.111	A	4
432.21406	*	5	550.112	A	4
432.21408	*	5	550.301	A	4
432.21410	*	5	550.302	A	4
432.21412	*	5	500.2201	A	9
432.21413	*	5	500.2202	A	9
432.21416	*	5			
432.21417	*	5			
432.21418	*	5			
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432.21520	*	5			
432.21609	*	5			
432.21617	*	5			
432.21621	*	5			
432.21622	*	5			
432.21623	*	5			
432.21805	*	5			
432.21811	*	5			
432.22004	*	5			
432.22005	*	5			
432.22006	*	5			
432.22007	*	5			
436.1629	*	9			
460.2011	*	19			
460.2012	*	19			
460.2021	*	19			
460.2022	*	19			
460.2023	*	19			
460.2024	*	19			
460.2031	*	19			
460.2701	A	3			
460.2702	A	3			
460.2703	A	3			
460.2704	A	3			
460.2705	A	3			
460.2706	A	3			

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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